

STATE DEPARTMENT INFORMATION PROGRAM—
INFORMATION CENTERS

HEARINGS
BEFORE THE
PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS

FIRST SESSION

PURSUANT TO

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STATE DEPARTMENT INFORMATION PROGRAM INFORMATION CENTERS

WEDNESDAY, JULY 1, 1953

UNITED STATES SENATE,
SENATE PERMANENT SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE
ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met (pursuant to S. Res. 40 agreed to January 30, 1953) at 10:30 a. m., in room 318, Senate Office Building, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senators Joseph R. McCarthy and Stuart Symington.

Present also: Dr. J. B. Matthews, executive director, Permanent Investigations Subcommittee; Roy Cohn, chief counsel; David Schine, chief consultant; Mrs. Ruth Young Watt, chief clerk.

Senator McCARTHY. The committee will come to order.

I may say one of the reasons for calling more authors whose works have been used in the libraries is to perhaps clarify some of the confusion in regard to what the objectives of the information program are, and also to give the American people a better picture of the type of authors whose works were being used to fight communism allegedly.

Mr. Counsel, which witness do you wish to call first?

Mr. COHN. Mr. Rockwell Kent, Mr. Chairman.

STATEMENT OF ROCKWELL KENT, ACCOMPANIED BY DAVID REIN, WASHINGTON, D. C.

Senator McCARTHY. Mr. Kent, you have been sworn. You are reminded that the oath continues in effect. Just for the record, you can consult with counsel any time you care to. You can stop your testimony if and when you like and talk to counsel. If you feel you want a private conference with him, we will try to give you a private room for that.

May I make the suggestion, however, that when you have your confidential conference that you do not do it into the mikes. We have had the experience several times of counsel conferring with his client, the Senators could not hear, but quite a few people on radio or television could hear what they were saying.

May I ask counsel, has it been established that considerable of the works of Mr. Kent have been purchased by the old information authorities and used in our libraries?

Mr. COHN. I think that there are several hundred copies.

Mr. SCHINE. That is correct, Mr. Chairman.

Senator McCARTHY. Mr. Kent, may I ask you this question, first: Is it correct that at one time you contributed some \$800 to the Communist Party?

Mr. KENT. That is correct. It was in the year 1933. May I tell again the circumstances?

Senator McCARTHY. Yes. I may say you may answer any question at any length you care to.

Mr. KENT. Thank you.

Senator McCARTHY. Any explanation that you care to make of any answer.

Mr. KENT. I would like to make the explanation. It was money received by the rental of my home against my orders. I tried to make the tenant take the money back and live in my home as a gift. In return for that generous gesture, I got a most insulting letter. I said to myself to whom can I give this money which I did not feel to be mine. Who will be the most hateful, the greatest possible enemy of such people. I went to New York and looked up under "C" in the telephone book, Communist Party, and I counted eenie-meenie-minie-mo, whether it was the Communist Party or Communist Labor Party, and it came out Communist Party, and I sent them the \$800, and stated at the time that this was money to which I felt I was not entitled. It was not my money.

Dr. MATTHEWS. Did you go to Communist Party headquarters and personally deliver the money?

Mr. KENT. I did not.

Senator McCARTHY. I might say you could have found a better charity to give it to.

Mr. KENT. Nobody who would hate such people more.

Senator McCARTHY. Have you contributed other amounts of money to organizations that have been officially listed by the Attorney General as fronts for doing work for the Communist Party?

Mr. KENT. I have contributed to many such organizations. I contribute to any organization that I feel is serving a good cause.

Senator McCARTHY. Do you think that the organizations that are fronts for and doing the work for the Communist Party are serving a good cause?

Mr. KENT. The fact that they are listed by the Attorney General or by anyone else as subversive does not sway me to any degree. I am a man who makes up his own mind, and if I believe that they are serving a good cause and know what that cause is, then I will join them.

Senator McCARTHY. Do you think that communism is serving a good cause?

Mr. KENT. I know very little about communism. I have come to a judgment about communism. I remember reading the Martin Dies book, listing what seemed to me practically every organization in America that was in my opinion doing good work, working for the Negroes, for freedom, for the poor, for good legislation. My conclusion on finishing that book was what would America be without these so-called Communist fronts. What would it be without the Communists.

Senator McCARTHY. At the time you prepared the works which the old State Department purchased, were you then a member of the Communist Party?

Mr. KENT. In answer to that question, I am going to invoke the privilege of the fifth amendment, and if you please, refuse to answer.

Senator McCARTHY. You understand you can only invoke the privilege, Mr. Kent, if you feel that a truthful answer to that question might tend to incriminate you.

Mr. KENT. The answer will only be truthful if I make it. I feel that an answer might be a link in the chain of evidence that might be incriminating.

Senator McCARTHY. Are you a member of the Communist Party as of today?

Mr. KENT. Should I go through this rigamarole every time? I avail myself of the fifth amendment. Is that all right?

Senator McCARTHY. That is sufficient. In other words, when you say you avail yourself of the fifth amendment, we understand you to say that if you were to give a truthful answer, that answer might tend to incriminate you, and therefore you refuse to answer.

Mr. KENT. Yes, sir.

Senator McCARTHY. I have no further questions.

I think that is all, Mr. Kent. Thank you very much.

Mr. KENT. I am really going to ask the indulgence of the committee.

Senator McCARTHY. Mr. Kent, may I say this, that you certainly are a very pleasant individual. Looking at you, you certainly would not be taken by the average person to be a member of the Communist Party. When you tell us that if you were to truthfully tell us whether you are a member of the Communist Party, that is the strongest indication we can get that you are a member of the Communist Party. So no matter how pleasant you may seem, I must refuse to hear any speech or any lecture from you. If you were to tell us that you were a member of the party and tell us when you joined, and why you were a member, I would not object to hearing from you. I have no objection to hearing from any member of the party who has the guts to stand up and say, "I am a Communist," and then let him preach his doctrine if he wishes. I am a strong believer, however, that where you have poison, it should be labeled poison. Where it is not poison, it should be properly labeled. So we will not hear any lecture from you unless you care to tell us whether you are a member of the party.

Mr. KENT. Lecture is the wrong word. The indulgence that I ask is that only the night before last I received the summons, and I live 300 miles north of New York, and 25 miles from the railroad station, and I got here. I am really here of my own free will, because I wanted to come before the committee and tell them what I believe. There is no signature to this. It is no more good to me than a check without a signature.

Mr. COHN. The original, of course, was signed, Mr. Chairman. The original which was in the hands of the marshal when service was made bore the signature of the chairman. Furthermore, Mr. Kent had actual notice that he was wanted by the committee. I read a statement he made to the press in the newspapers over the weekend.

Mr. KENT. I knew I was to be called.

Senator McCARTHY. May I ask one further question, Mr. Kent? Over the weekend after the papers carried the story that you were to appear here, you made a statement which was not under oath. You said it was ridiculous for anyone to assume—I am not quoting

from memory—or claim you are a member of the Communist Party. I believe your statement was to the effect that you were not a member of the party.

Mr. KENT. When was this?

Senator McCARTHY. Is that a correct quotation?

Mr. KENT. When?

Senator McCARTHY. Let me ask you this: Did you tell the press after the notice of your subpoena that you were not a member of the party?

Mr. KENT. No. The press notice that I saw in the Times, I think, the Syracuse Times-Union, was correct. I said nothing whatever. There was no question asked me, and I made no remark whether I was or was not a member of the Communist Party. I did say that I consider these book burnings as exactly paralled to the book burning in Hitler Germany, and came to the same judgment about those who are responsible for it, that the American people came to in regard to those responsible for the book burnings in Germany.

Senator McCARTHY. If you did not make that statement, I beg your pardon. I understood you stated to the press you are not a member of the party. Would you think it would be improper to burn obscene, filthy books that are on newsstands on the corner available to your children or your neighbor's children?

Mr. KENT. May I on the authority of a writer and painter—

Senator McCARTHY. Will you try and answer that? You are talking about book burnings. I assume by book burnings you mean the removal of books from the stand, and getting rid of books. Let us forget about the Communist writers for the time being.

Mr. KENT. Yes.

Senator McCARTHY. If you find filthy, obscene books on the corner newsstand—I do not know whether you have children or not, but I assume you have—and they are available to your children, would you advocate that those be removed and not be made available to youngsters?

Mr. KENT. All art is to be a crystallization and embodiment of the human beings, and they must be thought of as human beings. I would prosecute books for filthiness, lewdness—

Senator McCARTHY. I did not get the first part of your sentence.

Mr. KENT. My books are the best of myself that I can put into the book. It is me. It is a living thing. I believe that all books should be looked upon as living things and treated as human beings. If they are obscene, if they advocate murder, if they advocate any violation of the law, if they advocate treason, they should be dealt with, tried, and punished, and confiscated.

Senator McCARTHY. You cannot try and punish a book. Let us say that a book does advocate the things you mentioned. Let us assume it is obscene. Let us assume it advocates the violation of our laws. Would you say that book should be removed from the corner newsstand?

Mr. KENT. If found guilty by due trial.

Senator McCARTHY. How can you try a book?

Mr. KENT. You can try a book. This is a committee that is virtually trying me. It amounts to that, does it not?

Senator McCARTHY. We have not mistreated you, have we? We merely asked you whether you are a member of the Communist Party.

Mr. KENT. And by not answering the question, though I don't answer it to protect guilt or innocence, I feel my answer—that provision in the fifth amendment to be for the protection of the innocent as well as to shield the guilty.

Senator McCARTHY. You are wrong, Mr. Kent. The provision of the fifth amendment is to avoid forcing a man to convict himself. You perhaps know the origin of that. You are a writer.

Mr. KENT. I mentioned the origin of it in the preliminary dealing. I believe the origin was in the puritan days when they wanted to tell what they believed and could not because they would be prosecuted.

Senator McCARTHY. You are wrong. The origin goes farther than that. The origin comes from old English law and practice. At the time when a criminal could go into a church, and as long as he hung on the rail, he could not be apprehended, and from that stemmed the English law which we have copied to the effect that a guilty man never need convict himself. If you were not a member of the Communist Party, then you could very simply say, "No; I am not a member." That would in no way incriminate you. So when you tell this committee, "If I were to tell the truth and tell you whether I am or am not a Communist, the truth might incriminate me," that is the same as telling this committee and the world that you are a member of the party. That cannot be used against you in a criminal case, of course. It could not even be presented to a jury, the fact that you refused to testify here. But you are here before a committee, you are under oath, you have the opportunity today if you are not a Communist to very simply say, "No; I am not a Communist." We are giving you that opportunity. You may avail yourself of it if you are not a Communist. If you are a Communist, then, of course, you should refuse to answer. Otherwise you might be prosecuted for perjury.

Mr. KENT. Senator, what you have said I understand. As I said, this committee renders a verdict of guilty for those who invoke an amendment that I believe exists—a privilege that I believe exists for the innocent as well as for the guilty.

Senator McCARTHY. I thank you, Mr. Kent.

Mr. KENT. Senator, I would like to leave this statement with you.

Senator McCARTHY. You certainly may.

Mr. KENT. I would like to read it, but you said you don't want a lecture. I get paid for lectures.

Senator McCARTHY. I want to say if you will answer the question as to whether or not you are a Communist as of this moment, if you will say, "Yes, I am," or if you will say, "No, I am not," we will hear from you. I do not have any objection to hearing from a man who says, "I am a Communist." I am not worried about that man perverting the minds of the American people. But when you refuse to answer, I frankly will hear no more from you.

Mr. KENT. I am sorry, because I had serious charges to bring here of a conspiracy to overthrow the American Government by force and violence.

Senator McCARTHY. You may step down unless you answer the question.

Mr. KENT. Thank you.

Mr. COHN. Mr. Richard O. Boyer.

STATEMENT OF RICHARD O. BOYER, ACCOMPANIED BY DAVID REIN,
WASHINGTON, D. C.

Senator McCARTHY. Mr. Boyer, you are reminded that you are still under oath.

At this point I would like to read the very brief statement by the Secretary of State in regard to the removal of books by Communist authors from our information centers. I would like to compliment the Secretary of State for his very clearly and intelligently written letter, as well as the attitude he has taken. This was written to two Senators who wrote him in regard to his policy. He says:

MY DEAR SENATOR: I have your letter of June 18 inquiring about the policy with relation to the overseas libraries of the International Information Administration. These libraries, unlike the usual reference libraries, are special purpose libraries, designed in accordance with the United States Information and Education Exchange Act of 1948 to "disseminate abroad information about the United States, its people, and policies promulgated by the Congress, the President, the Secretary of State, and other responsible officials of Government having to do with matters affecting foreign affairs."

The administration itself is a semiautonomous agency and the executive branch of the present Government has, since it took office, contemplated that it should become an independent agency. Under the reorganization plan now pending before the Congress, this will occur on July 30, 1953.

However, pending such complete legal separation, I felt an obligation to act to correct what seemed to me abuses which had developed. The overseas book program, I had reason to believe, was disseminating information which could not with any reasonable interpretation fall within the congressional mandate. In particular I wanted to make sure that it would not disseminate information which might advance the cause of Soviet communism.

On February 24, 1953, with the President's approval, I appointed Dr. Robert L. Johnson to become Director of the International Information Administration, and on March 17, 1953, I advised him that I did not think that the IIA should make the works of Communist authors a part of its foreign libraries or subscribe to periodicals which are receptive to international Communist propaganda. My memorandum to Dr. Johnson concluded, "If you find these ideas acceptable, I must rely on you to translate them into what is an appropriate and practical working level directive. I have not since personally intervened in this matter.

Dr. Johnson did find the above guidance from me acceptable and, I am informed, issued one or more directives designed to reflect it at the working level. These directives, however, seem to have been interpreted and applied in different ways in different overseas libraries, with some results which I, and I am confident Dr. Johnson, cannot approve.

Dr. Johnson tells me that he and his advisers and staff have recently been conducting a review of the situation with a view to seeking a more practical working level directive.

Sincerely yours,

JOHN FOSTER DULLES.

I may say this was not written to me, but written to two other Senators. I should also announce at this time that we have discussed with Dr. Johnson whether or not he would like to appear and testify to clear up some of the confusion which may exist, and he has indicated that he is not only willing but anxious to testify.

I read in one of the papers that the works of Whittaker Chambers had been banned from certain libraries. Whittaker Chambers, as we all know, has been an outstanding fighter against communism since he was responsible for the conviction of Alger Hiss. He wrote an excellent book upon espionage. I cannot imagine that the individual who was responsible for that was doing it because of stupidity. I do not believe even in the old State Department there was anyone quite that stupid. I cannot help but believe that was deliberately done to

embarrass Mr. Dulles and Mr. Johnson, and I would like very much to get the name of the individual who banned Whittaker Chambers' book, and I would like him to come before the committee and explain why and on what authority he did that, Mr. Counsel.

Mr. COHN. Mr. Boyer.

Senator McCARTHY. Mr. Boyer, did you write a book entitled, "Speaking of Peace"?

Mr. BOYER. No.

Senator McCARTHY. I beg your pardon. Are you acquainted with the book, Speaking of Peace?

Mr. BOYER. I would like to have it identified a little further, if I might.

Senator McCARTHY. Do you know whether or not a speech of yours is contained in this book, Speaking of Peace, a book which is written by Mr. Gilmore?

Mr. BOYER. Could I look at it?

Senator McCARTHY. I will hand you the book and refer you to page 80, and ask if this is a correct reproduction of one of your speeches. While you are doing that, may I ask counsel whether you have confirmed the fact through the State Department that the works of Mr. Boyer were being used at the time this investigation began in the libraries abroad?

Mr. SCHINE. We have established that, sir.

Senator McCARTHY. That has been confirmed by the State Department?

Mr. SCHINE. It has.

Mr. BOYER. Yes, I recognized a sentence here that I spoke.

Senator McCARTHY. Is that your speech?

Mr. BOYER. It says, "While Communist——"

Senator McCARTHY. You need not read it. I ask you Is that your speech?

Mr. BOYER. Yes. Can I read the speech?

Senator McCARTHY. No.

Mr. BOYER. Can I read any excerpt from the speech?

Senator McCARTHY. We will get to that. We will first ask you the question whether or not you are a member of the Communist Party, and find out whether or not you want to answer that before we hear any lectures. I want to ask you whether or not this is a correct quote, "I emphasize the Emersonian theme of individual responsibility as an American Communist. To the uninformed it may seem strange emphasis coming as it does from a Communist." Is that your language?

Mr. BOYER. I wish you would read the rest of the paragraph.

Senator McCARTHY. Is that your language?

Mr. BOYER. That is correct, sir.

Senator McCARTHY. Were you a Communist at that time?

Mr. BOYER. I would like, if I may, and if it is proper, to say that I stand by everything that is said in that speech or in anything I have written at any time or place.

Senator McCARTHY. The question you must answer is whether or not you were a member of the party, unless you feel the answer would incriminate you.

Mr. BOYER. Are you asking me whether I am a member of the party now?

Senator McCARTHY. No; whether you were a member at the time you wrote this piece.

Mr. BOYER. Can I ask counsel?

Senator McCARTHY. You may confer with counsel.

(Witness consulted with his counsel.)

Mr. BOYER. Let me answer it, if I may, and as responsively as I may in this manner. I am very proud of my political convictions which I would be eager to tell you about if you would care to listen to them.

Senator McCARTHY. May I interrupt you? We are not interested in your political convictions. I do not care whether you are a Democrat or Progressive, or what your political convictions are. I am not asking you about your political convictions, but whether you were a member and part of this international conspiracy to overthrow the United States Government by force and violence. In other words, were you a member of the Communist Party at the time you made this speech?

Mr. BOYER. I have never been a member of an international conspiracy to overthrow the United States Government or any other government by force and violence. If you will let me answer, Senator—

Senator McCARTHY. You will answer that question first.

Mr. BOYER. I will answer completely and responsively the question.

Senator McCARTHY. You will first answer whether or not you are a member of the Communist Party.

Mr. BOYER. Now?

Senator McCARTHY. If you refuse to answer that, we will hear no speeches from you.

Mr. BOYER. I am not trying to give a speech, sir. I am trying to give a responsive answer.

Senator McCARTHY. You will answer whether or not you are a member of the Communist Party.

Mr. BOYER. If you will permit me to, I will answer the question.

Senator McCARTHY. Answer it; were you or were you not?

Mr. BOYER. Were not what and when?

Senator McCARTHY. We will repeat it for you.

Mr. BOYER. I wish you would.

Senator McCARTHY. At the time you gave this speech from which I just quoted, which was in 1949, were you at that time a member of the Communist Party?

Mr. BOYER. Now, I would like to answer that in a single sentence and completely responsively, if you will let me. Although I am very proud of my political convictions in view of the McCarran Act, and in view of the Smith Act which sends Americans to prison for their political beliefs, I find it necessary, regrettably necessary to assert my privilege under the fifth amendment.

Senator McCARTHY. Let us see if you know what the Smith Act provides. Do you understand that the Smith Act provides that you are guilty of a crime not merely for belonging to the Communist Party—that does not make you subject to prosecution—but that you are guilty of a crime if, No. 1, you are a member of the party, and No. 2, you were aware of the fact that the party conspires to overthrow this Government by force and violence? I can understand why you dislike that

act. Your answer is that if you were to tell us the truth you feel that answer might tend to incriminate you; is that correct?

Mr. BOYER. My answer is this, that I avail myself of the privilege of the fifth amendment not because I am guilty of anything, but because of unconstitutional laws which put me in jeopardy.

Senator McCARTHY. In other words, the criminal laws now existent are unconstitutional and for that reason you must refuse to answer?

Mr. BOYER. That I must refuse to answer under the provisions of the fifth amendment which I wish to disagree with you as you outlined to Mr. Kent. I believe that it does, and I believe that a United States Federal court—I know that a Federal court only recently held—that it was for the protection of the innocent.

Senator McCARTHY. Is it your answer that if you were to tell us the truth as to whether or not you were a Communist in 1949, when you made this speech, that truthful answer might tend to incriminate you? If that is your position, you are entitled to refuse. Otherwise, you will be ordered to answer.

Mr. BOYER. My position is that under the present laws I would be regrettably imperiled if I did not avail myself of the fifth amendment.

Senator McCARTHY. I am going to make you answer the question. I am not talking about you being imperiled. You can only refuse to answer if you feel a truthful answer might tend to incriminate you. If you feel it would, you can tell us, and avail yourself of the privilege. If not, you are ordered to answer.

Mr. BOYER. Then I avail myself of the privilege which I have been trying to do consistently.

Senator McCARTHY. Before we can determine whether you can avail yourself of the privilege, you must tell us whether or not a truthful answer to that question might tend to incriminate you under the present laws of this country whether you like them or not.

Mr. BOYER. Under the present regrettable circumstances in the United States, I believe an answer would incriminate me.

Senator McCARTHY. You may refuse.

Did you write a book called the Dark Ship?

Mr. BOYER. I did.

Senator McCARTHY. You do not believe in the destruction of books, I assume, even if you disagree with them?

Mr. BOYER. I do not.

Senator McCARTHY. You would not believe in recalling a book from a publisher and having it taken out of circulation even if you disagreed with it?

Mr. BOYER. No.

Senator McCARTHY. Is that correct?

Mr. BOYER. That is correct.

Senator McCARTHY. At the time you wrote this book, did you understand that Mr. Curran was a member of the Communist Party?

Mr. BOYER. As far as I know he never has been.

Senator McCARTHY. After you learned that Mr. Curran had broken with the Communist Party, did you try to have your book withdrawn from all of the—

Mr. BOYER. Of course not, absolutely not.

Senator McCARTHY. You did not?

Mr. BOYER. No, absolutely not.

Senator McCARTHY. Did you ever discuss with the publisher the fact that in this book you had praised up Curran, while you thought he was a member of the party? After you had written it, and before it got on the newsstand, you learned that Curran had broken with the party, and therefore it would embarrass you if the book appeared on the bookstands and that you wanted to recall it.

Mr. BOYER. You have been completely misinformed. Nothing like that in any part of your question was even remotely true.

Senator McCARTHY. Did you go to Dartmouth?

Mr. BOYER. No.

Senator McCARTHY. Did you go to Harvard?

Mr. BOYER. No.

Senator McCARTHY. I am getting you witnesses mixed up. I guess it was the next witness who went to Harvard. What college did you go to?

Mr. BOYER. I didn't go to any college. I went for a half semester.

Senator McCARTHY. Are you a member of the Communist Party as of this moment?

Mr. BOYER. Again I want to say that I am very proud of my political beliefs, but feel that it is necessary—

Senator McCARTHY. I am not talking about your political beliefs. I am asking you whether you are a member of the Communist Party.

Mr. BOYER. But feel it is necessary in response to your question to plead my privilege under the fifth amendment.

Senator McCARTHY. You have that right to plead the privilege.

Counsel has some questions.

Mr. COHN. In this book of yours, *The Dark Ship*, you talk about a man named Blackie Meyers. Do you know Blackie Meyers?

(No response.)

Mr. COHN. Do you know Blackie Meyers?

Mr. BOYER. Yes; I know Blackie Meyers.

Mr. COHN. Is Blackie Meyers a Communist espionage agent?

Mr. BOYER. I would say, of course, not as far as I know. I would say that it was a libel and it may be a deliberate libel.

Mr. COHN. Is he a Communist?

Mr. BOYER. I don't know whether he is a Communist.

Mr. COHN. You don't know whether he is a Communist or not?

Mr. BOYER. No; not at this juncture I most certainly do not.

Mr. COHN. Was he ever a member of the Communist Party?

Mr. BOYER. It would be purely hearsay. I have no personal knowledge. At any rate, I will avail myself again, because I am forced to by this kind of questioning which tries to implicate innocent people, of the privilege of the fifth amendment.

Mr. COHN. I will now quote from your book, page 221:

It was in Seattle that Blackie joined the Communist Party of the United States when he decided that the only permanent way out of war and poverty was for the people of the earth to own and democratically operate the earth's resources for the benefit of all instead of the profit of the few. He believes, he says, that the profit system, the dog-eat-dog system is responsible for war and depression.

Was that Blackie Meyers you were referring to?

Mr. BOYER. Let me say that I stand by completely with everything that I have written in that book, that I do not wish to be put in the

position of under the present political climate of having anything to do with harming another person.

Mr. COHN. You talk about smears on innocent people. You in this book state Blackie Meyers, and the last name is spelled out on page 223, was a member of the Communist Party, and tell when and where he joined the party.

Mr. BOYER. That is when the country was operating under the Bill of Rights.

Mr. COHN. What Constitution are you operating under today?

Mr. BOYER. I revere and will fight for the Constitution of the United States, and its Bill of Rights, which I don't think you will do.

Mr. COHN. Now let me ask you this: Are you a member of the Communist Party as of this moment?

Mr. BOYER. I believe that question has been answered.

Mr. COHN. Would you answer that for us again, and I want to follow it up with another.

Mr. BOYER. My answer stands on that. Senator McCarthy had a lot of questioning about that.

Mr. COHN. Have you ever urged scientists to withhold their aid from the United States in time of war and other times?

Mr. BOYER. Of course not, and you know I haven't.

Mr. COHN. Did you ever make a speech entitled "On Civil Disobedience"?

Mr. BOYER. No.

Mr. COHN. You never did?

Mr. BOYER. I never did.

Mr. COHN. Did you ever make any remarks on that subject at the Waldorf Peace Conference?

Mr. BOYER. I quoted Thoreau.

Mr. COHN. You did?

Mr. BOYER. And I quoted Thoreau to the effect—I quoted part of his public celebration of what the law called "treason"—I said that his last public appearance before his death was his defense of Capt. John Brown, whose execution for treason he declared was a judgment not on Brown, but on America.

Senator McCARTHY. To refresh your recollection, did you make a speech in New York on the 25th of March 1949 to some scientists?

Mr. BOYER. I made the speech which I have identified, Senator, and which you have asked me about.

Senator McCARTHY. Did you at that time either by quoting someone else or by making a personal statement approve civil disobedience on the part of scientists and urge that they withhold their services from our Government in times of war if we were in war with the Soviet Union?

Mr. BOYER. At that time I quoted Thoreau's opposition to the Mexican War of 1846. I quoted Emerson's opposition to a Federal law in which he said, "By God, I will not obey it." I quoted many abolitionists who for 30 years were described as traitors when they were fighting for the liberation of the Negro people, and who were often also described as trying to overthrow the United States Government by force and violence.

Senator McCARTHY. I think you can answer my question. You understand it, I am sure.

Mr. BOYER. I have answered it.

Senator McCARTHY. Did you at that time urge the scientists that they withhold any aid of the benefit of their learning from this country if we were at war with Communist Russia?

Mr. BOYER. Senator McCarthy, you have the speech before you and you are enough of a lawyer to know that the speech is the best evidence. Read me what I said and I will tell you whether I said it.

Senator McCARTHY. Do you know now whether or not you did advocate it?

Mr. BOYER. Of course not.

Senator McCARTHY. You do not know whether you did or not?

Mr. BOYER. I know I never in any way, shape, manner or form advocated any overthrow of the Government or whatever you are asking.

Senator McCARTHY. Let us get back to the question. Did you give a speech to the scientists urging that it was within their rights if in time of war they were to withhold their services from the country?

Mr. BOYER. No, sir. In the first place, I never talked to any scientists at all. You are completely misinformed on the whole thing. You have that speech there, and I have said I stand by everything in it.

Senator McCARTHY. To whom did you speak on the 25th of March 1939?

Mr. BOYER. A panel of writers.

Senator McCARTHY. A panel of writers?

Mr. BOYER. That is right.

Senator McCARTHY. At that time you say you quoted various people and extolled the virtues of those who opposed certain military actions we engaged in?

Mr. BOYER. No, no. I quoted historic and well-known Americans, such as Emerson and Thoreau, and Theodore Parker and many others in their opposition of unjust wars.

Senator McCARTHY. And you urged it would be an unjust war if we went to war with Communist Russia or if Communist Russia went to war with us.

Mr. BOYER. Again I say the speech is there, and it is the best evidence, and read me from the speech and I will tell you whether I said it.

Senator McCARTHY. Do you recall whether the theme of your talk was that it would be an unjust war, we would be wrong if we went to war with Communist Russia?

Mr. BOYER. I beg your pardon. I would like to confer with counsel. (Witness conferred with his counsel.)

Mr. BOYER. Since you are so intensely interested in this speech, and I am sure under the circumstances perhaps the American people would be, I would suggest that you give me the speech and let me read it in its entirety, and let the American people themselves judge what it is.

Senator McCARTHY. Thank you for the suggestion.

You testified that you did not know that Blackie Meyers was a Communist. I am going to refer you to page 221 of your book.

Mr. BOYER. Wait a minute. I said in the first place that everything that is in that book or any other book, I stand by completely. I said I have not seen Blackie Meyers for years, and know nothing of his present situation in any way, shape, or form.

Senator McCARTHY. You were asked under oath twice in executive session and again in public session whether you knew that Blackie Meyers was ever a Communist, and you said you never knew that he was one.

Mr. BOYER. No; I don't agree. I would like to see the record on that.

Senator McCARTHY. Do you want to change your testimony now?

Mr. BOYER. I am not changing my testimony. I am saying, and I said repeatedly, that everything I have written I stand by completely.

Senator McCARTHY. We are not asking you that.

Mr. BOYER. As I recall the question in the executive session, I was asked if I knew that Blackie Meyers was an espionage agent, and I said that I found it completely inconceivable to believe, but that I had no knowledge of it, and I thought it was a libel.

Senator McCARTHY. Let me ask you this question: Is this statement made on page 221 of your book a correct statement?

Mr. BOYER. Every page in that book is correct as I can make it.

Senator McCARTHY. Please let me finish the question.

Mr. BOYER. I am sorry.

Senator McCARTHY (reading):

It was in Seattle that Blackie joined the Communist Party of the United States.

Is that correct so far?

Mr. BOYER. It is correct that I wrote it in the book and that I stand by it.

Senator McCARTHY. Is it correct that Blackie Meyers joined the Communist Party in Seattle?

Mr. BOYER. May I ask my counsel?

Senator McCARTHY. You may discuss it with counsel.

(Witness conferred with his counsel.)

Mr. BOYER. I am afraid that I will have to claim my privilege under the peculiar circumstances now.

Senator McCARTHY. I will say that you are claiming the privilege rather late, because you have testified to two things today. No. 1, you have testified that everything in the book is true.

Mr. BOYER. To the best of my knowledge.

Senator McCARTHY. And No. 2, you have testified that you had no knowledge that Blackie Meyers joined the Communist Party. It is a direct contradiction. Either you have perjured yourself when you said you did not know that Blackie Meyers was a member of the Communist Party, or you have perjured yourself when you said your statement in the book is true.

Mr. BOYER. Senator, in the first place, before we judge whether I have perjured myself, I would suggest on such a serious matter that the record be sought on it. I recall my testimony in the executive session as being asked only whether Blackie Meyers was an espionage agent, and the record should show my reply if there was a record then.

Senator McCARTHY. I may say, Mr. Boyer, that as the record now stands, in my opinion as a lawyer and a former judge, that it is a clear case of perjury. Counsel was here. We asked you the question twice downstairs and here.

Mr. BOYER. Read it to me, will you. Would you read the record to me?

Senator McCARTHY. No.

Mr. BOYER. You would not?

Senator McCARTHY. You can read the record yourself. If you want to change it, you may. I will ask the question over again. No; I will not ask it over again.

Mr. BOYER. No; you want to get me if you can.

Senator McCARTHY. You may examine the record. It will be referred to the Justice Department.

Mr. BOYER. I would suggest that if there are any principles of fair play or any rules of evidence, that before a man is threatened with perjury in a case like this, that at the very least his contradicting statements be shown to him.

Senator McCARTHY. I think we should take time for that. That may be a very reasonable request.

The reporter will read the record, beginning with Mr. Cohn's interrogation of the witness.

(The record was read as follows:)

Mr. COHN. In this book of yours, The Dark Ship, you talk about a man named Blackie Meyers. Do you know Blackie Meyers?

(No response.)

Mr. COHN. Do you know Blackie Meyers?

Mr. BOYER. Yes; I know Blackie Meyers.

Mr. COHN. Is Blackie Meyers a Communist espionage agent?

Mr. BOYER. I would say, of course, not as far as I know. I would say that it was a libel and it may be a deliberate libel.

Mr. COHN. Is he a Communist?

Mr. BOYER. I don't know whether he is a Communist.

Mr. COHN. You don't know whether he is a Communist or not?

Mr. BOYER. No, not at this juncture I most certainly do not.

Mr. COHN. Was he ever a member of the Communist Party?

Mr. BOYER. It would be purely hearsay. I have no personal knowledge. At any rate, I will avail myself again, because I am forced to by this kind of questioning which tries to implicate innocent people, of the privilege of the fifth amendment.

Senator McCARTHY. Was that statement correct that you had no personal knowledge that he was a member of the Communist Party ever?

Mr. BOYER. As in the record just read by the court reporter, as I availed myself of the privilege of the fifth amendment in that answer, I will again, and for the same reason, avail myself of the privilege.

Senator McCARTHY. The answer just read was to the effect that you had no personal knowledge that he was a Communist.

Mr. BOYER. And the answer continued and concluded by availing myself of the privilege.

Mr. McCARTHY. You will desist, sir, until I get through asking a question. Do you understand that?

Mr. BOYER. Yes.

Senator McCARTHY. This is the last time we will have anything like this happen.

Mr. BOYER. O. K.

Senator McCARTHY. The question is, when you stated that you have no personal knowledge that he was ever a member of the Communist

Party, do you want to let that answer stand, or do you want to change it?

(Witness conferred with his counsel.)

Mr. BOYER. I want the record to show that in response to the question when it was first put to me I asserted my privilege, and that I now assert it again.

Senator McCARTHY. May I say for the record that you cannot assert any privilege after you have answered the question. In view of the fact that you are given the opportunity to correct that, if that is an improper statement, you have refused the opportunity, naturally the record will stand. It will be referred to the Justice Department.

(Witness conferred with his counsel.)

Senator McCARTHY. Any further questions?

Mr. COHN. No, Mr. Chairman. I just wanted to ask this: Do you know John Lawrence?

Mr. BOYER. I would like to assert my privilege under the fifth amendment.

Mr. COHN. I can't hear you.

Mr. BOYER. I would like to assert my privilege under the fifth amendment.

Mr. COHN. Do you know where Mr. Lawrence is today?

Mr. BOYER. I don't know.

Mr. COHN. You have no idea?

Mr. BOYER. No.

Senator McCARTHY. Just one question. Would you consider it a crime to plot the overthrow of the United States Government by force and violence?

Mr. BOYER. I most certainly would.

Senator McCARTHY. And would you think that a law which made that a crime was an improper law?

Mr. BOYER. I consider that a law which makes a political opinion a crime an improper law, and I consider that the Smith Act is that.

Senator McCARTHY. Will you answer my question? Would you consider a law that made it a crime to plot the overthrow of our Government by force and violence an improper law?

Mr. BOYER. No, sir; not if it was properly drawn and properly enforced, and did not go into matters exclusively of political opinion, I would not think it was an improper law.

Senator McCARTHY. Just one final question. You do not care to tell us, No. 1, whether you were a Communist at the time you wrote the books which are on the information shelves, and No. 2, whether you are a Communist at this moment. You want to refuse to answer both those questions, I assume.

Mr. BOYER. Under the circumstances.

Dr. MATTHEWS. Mr. Boyer, have you been a frequent contributor to the New Yorker magazine?

Mr. BOYER. I was at one time a frequent contributor.

Dr. MATTHEWS. For what other magazines have you written?

Mr. BOYER. I have written for Reader's Digest, American Mercury, Masses and Mainstream.

Dr. MATTHEWS. Is Masses and Mainstream a Communist publication?

Mr. BOYER. I don't believe that it considers itself such. I believe it calls itself a Marxist publication.

Dr. MATTHEWS. For what other Communist magazines or Marxian magazines have you written?

Mr. BOYER. I think that is all that I recall.

Dr. MATTHEWS. Have you ever written for the New Masses?

Mr. BOYER. Yes.

Dr. MATTHEWS. For the Daily Worker?

Mr. BOYER. Yes.

Dr. MATTHEWS. Do you consider the Daily Worker a Communist Party publication?

Mr. BOYER. I consider that it expresses the Communist viewpoint.

Dr. MATTHEWS. When you wrote for the Daily Worker, did you express the Communist viewpoint?

Mr. BOYER. When I wrote for the Daily Worker I wrote my own viewpoint as I am speaking it now.

Dr. MATTHEWS. Would the Daily Worker print a viewpoint that was not the Communist viewpoint?

Mr. BOYER. Perhaps they coincide.

Senator McCARTHY. Perhaps your views coincide with the Communist viewpoint, is that your answer?

Mr. BOYER. No; that was not my answer, although, as I say, I am very proud of my views. I am willing to relate them in detail.

Senator McCARTHY. I just wondered if I understood you. I thought you said that your views coincide. Do you mean that your views coincide with the Communist Party views?

Mr. BOYER. What I was trying to say is that I had never written anything which I did not deeply believe and that includes everything of mine—not much has appeared—but what has appeared in the Daily Worker.

Senator McCARTHY. I do not think you answered the question. In answer to Dr. Matthews' question, you said that perhaps the views coincided.

Mr. BOYER. Yes.

Senator McCARTHY. Did you mean that your views coincided with the views of the Communist Party?

Mr. BOYER. Coincided with the view of the Daily Worker which often expresses the views of the Communist Party.

Senator McCARTHY. And the Daily Worker is a Communist publication?

Mr. BOYER. I don't think it describes itself as such.

Senator McCARTHY. I do not care what it describes itself as.

Mr. BOYER. My answer would be that it prints the Communist viewpoint.

Senator McCARTHY. Do you think that a man whose views coincide with the Communist Party should be used as an author and his views stamped with our approval and his books placed throughout our libraries throughout the world to express the American way of life and fight communism?

Mr. BOYER. I don't think the true American way of life is expressed in fighting communism. I don't agree that it serves the interest of the American people to predicate our policy purely on fighting com-

munism. I believe in world peace and believe it can be achieved. So I don't agree with the policy.

Senator McCARTHY. In other words, you do not agree with the policy of fighting communism?

Mr. BOYER. No.

Senator McCARTHY. You may step down.

Mr. COHN. Professor Burgum.

TESTIMONY OF EDWIN BERRY BURGUM, ACCOMPANIED BY DAVID REIN, WASHINGTON, D. C.

Senator McCARTHY. You are reminded that you are under oath.

Mr. COHN. Will you give your full name for the record?

Mr. BURGUM. Edwin Berry Burgum.

Mr. COHN. B-u-r-g-u-m?

Mr. BURGUM. B-u-r-g-u-m.

Mr. COHN. And are you the Edwin Berry Burgum who is an author and literary critic?

Mr. BURGUM. Yes.

Mr. COHN. Are you the author of various books and articles?

Mr. BURGUM. That is correct.

Mr. COHN. Those books are used in the Information program?

Mr. SCHINE. According to the information we received from the State Department; yes.

Mr. COHN. Are you a member of the Communist Party?

Mr. BURGUM. I feel that that question invades my right to private opinion.

Senator McCARTHY. Could you speak a little louder?

Mr. BURGUM. I feel the question invades my right to private opinion under the first amendment, and I should like to record this conviction of mine. But at the same time, it seems to me that under present circumstances I should also invoke the fifth amendment in order that I shall not bear witness against myself.

Senator McCARTHY. May I say this, Mr. Burgum: You have an absolute right under the first amendment to think and say what you please, as long as you do not advocate the violent overthrow of this Government. You can preach the Communist doctrine, you can preach the Marxian philosophy. We are not concerned about that. However, we are concerned to know whether or not you were a Communist under the Communist discipline at the time that our Government was buying your works and spreading them throughout the world with our stamp of approval. There is a big difference between having your books available for the American people to buy. If they want to buy them, they have a natural right to buy them. If the European people want to buy your books, they have a right to buy them. It is a question of whether or not our Government should buy the works of Communist authors and place them throughout the world in this fight against Communists.

Therefore, the first amendment has nothing whatsoever to do with your testimony. You can only refuse to testify if you honestly feel that a truthful answer might tend to incriminate you.

Proceed, Mr. Counsel.

Mr. COHN. Mr. Burgum, were you in 1947 a member of the Communist Party?

Mr. BURGUM. I invoke the fifth amendment on that question also. Under the interpretation of the fifth amendment that the chairman has given you, with the understanding, however, that the word "incriminate" as it appears in the Bill of Rights has been interpreted broadly by the courts, so that it does not bear its popular implications, but on the contrary, keeps the fifth amendment within the great tradition that the rights of the innocent individuals should be protected as well as the rights of any guilty person.

Senator McCARTHY. Mr. Burgum, may I say that if you are not a member of the Communist Party, it would not incriminate you to say you are not. The only condition under which you can invoke that privilege is that if you are a member. The difference between invoking here, however, and in a court is that this cannot be used against you in a criminal action. However, when you say, "I will not tell whether I am a Communist because if I told the truth, it would incriminate me," that is the same as serving notice that you are a member of the party. You understand that. If you are not a member, you need merely to say you are not a member of the Communist Party.

Mr. COHN. Did you state in one of these books that you regard the philosophy of Marx as dynamic and progressive?

Mr. BURGUM. The statement as you reminded me in the private session was that the philosophies of Marx and Hegel—

Mr. COHN. That is right.

Mr. BURGUM. Were dynamic dialectic philosophies.

Mr. COHN. Did you use the word "progressive"?

Mr. BURGUM. I believe in the quotation from the text that you gave in the private hearing, the word "progressive" did appear.

Senator McCARTHY. Do you believe as of today that the teachings of Marxism would indicate a progressive line of thought and dynamic line of thought?

Mr. BURGUM. I was speaking in that passage in my book of Marxism and Hegelism and philosophies, giving my understanding of one of the essential principles that both these philosophies share.

Senator McCARTHY. This book is one of the books in our information centers, you understand.

Mr. BURGUM. Yes.

Senator McCARTHY. Do you think that when you write that the philosophy of Marx and Hegel is dynamic and progressive that that is rather effectively fighting communism and forwarding our way of life?

Mr. BURGUM. I don't know from what chapter in the book this quotation comes, but at the time that I wrote that book, and indeed in my attitude as a literary critic at all times, I don't feel that it is within the province of a literary critic either to fight or to oppose communism or Hegelism, but to explain for the public the meaning and value of literature and that he begin—

Senator McCARTHY. We are not talking about explaining something to the American public. We are talking now about a book placed in one of our information centers for the alleged purpose of exposing communism for what it is. Do you think that a book which

urges that communism or Marxism is dynamic, progressive, is an effective way of fighting communism?

Mr. BURGUM. As a matter of fact, I was not talking about communism in that passage at all, but about the philosophy of communism, which is held as a matter of fact by a number of political parties that have nothing to do with the Communist Party. I was defining that philosophy as along with Hegelism, a philosophy that had a notion that the history of mankind is progressive as a whole, that it is impossible for mankind as a whole to retrogress to a state of barbarism. That this is the meaning of the word "progressive."

Senator McCARTHY. Do you think as of today that communism is a dynamic progressive philosophy?

Mr. BURGUM. I would like to invoke the fifth amendment on that question.

Senator McCARTHY. All right, you are entitled to that.

Mr. COHN. Mr. Burgum, were you until very recently, the last couple of months, a professor at New York University?

Mr. BURGUM. Yes.

Mr. COHN. For how long a period of time were you on the faculty there?

Mr. BURGUM. Twenty-eight years.

Mr. COHN. And during that time were you a member of the Communist Party?

Mr. BURGUM. I invoke the fifth amendment, if you please.

Mr. COHN. Did you attend any Communist meetings with any other members of the faculty there?

Mr. BURGUM. I should also like to invoke the fifth on that question.

Dr. MATTHEWS. When was your professorship terminated at New York University?

Mr. BURGUM. The 30th of March.

Mr. MATTHEWS. What grounds were given by the university for terminating your teaching career there?

Mr. BURGUM. The grounds given by the university were that I had invoked—in the charges—the fifth amendment when appearing before the McCarran subcommittee, and secondly, that I had invoked them because I wished to conceal relations with the Communist Party.

Dr. MATTHEWS. For what papers and magazines have you written articles?

Mr. BURGUM. I have written for many papers and magazines during a fairly long number of years, such as the Antioch Review, Science and Society, the Canyon Review, the Rocky Mountain Review, the Virginia Quarterly Review.

Dr. MATTHEWS. Masses and Mainstream?

Mr. BURGUM. No, I have never written for Masses and Mainstream.

Dr. MATTHEWS. Have you written for any newspapers?

Mr. BURGUM. I have never written for any newspapers except for a part of 1 year—I don't remember the exact length of time—I wrote reviews for the Sunday Book Review of the New York Times.

Mr. COHN. The New York Times?

Mr. BURGUM. Yes.

Senator McCARTHY. Who hired you for that job?

Mr. BURGUM. I don't remember. It was certainly over 5 years ago.

Senator McCARTHY. You do not recall who hired you?

Mr. BURGUM. I think the man has since died.

Senator McCARTHY. If you know he is dead, you must know his name.

Mr. BURGUM. I don't remember it. My memory for names is rather poor. He wrote a satirical novel on New York life that came out, but I simply can't remember his name.

Senator McCARTHY. You know he is dead, but you do not know his name?

Mr. BURGUM. Yes, that is a frequent experience with my type of memory. We know all sorts of facts about a man except his name.

Senator McCARTHY. Very convenient.

Dr. MATTHEWS. How many reviews did you write for the New York Times Sunday Book Review section?

Mr. BURGUM. I imagine I wrote between six or a dozen in the course of a year.

Dr. MATTHEWS. Were you a member of the Communist Party at the time you wrote those reviews?

Mr. BURGUM. I should like again to invoke the fifth amendment to that question.

Senator McCARTHY. Did your boss in that job know that you were a member of the Communist Party?

Mr. BURGUM. I naturally have to invoke the fifth amendment to that question.

Senator McCARTHY. Did you ever discuss with your superior that you were a member of the Communist Party?

Mr. BURGUM. I cannot answer the question in its present form. It has not been my habit at any time in dealing with any editors on any subject to discuss political questions at all.

Senator McCARTHY. I will ask you the question, and you can refuse to answer if you think it will incriminate you. Did you discuss with your superior when you were reviewing books for the Times, the fact that you were a Communist?

Mr. BURGUM. I must find the same objection to this question and I may say—

Senator McCARTHY. By the same objection, what do you mean?

Mr. BURGUM. That neither I nor the book review editor of the Times would have thought of asking any questions about political opinions. The books assigned to me were novels. The content of the reviews was such that they were acceptable to the Times, and I cannot see—

Senator McCARTHY. I shall insist that you answer the question.

Mr. BURGUM. In that case I am sorry I have to say I invoke the privilege.

Senator McCARTHY. You refuse to answer on the ground the answer might incriminate you?

Mr. BURGUM. Yes.

Senator McCARTHY. Who discharged you, or did you quit?

Mr. BURGUM. I quit. I was not of course a member of the staff.

Senator McCARTHY. Did you know any other book reviewers who were members of the Communist Party?

Mr. BURGUM. I will invoke the fifth amendment.

Senator McCARTHY. Did you graduate from Dartmouth?

Mr. BURGUM. Yes.

Senator McCARTHY. And attended Harvard?

Mr. BURGUM. Yes.

Senator McCARTHY. Did you become a Communist in the second or third year that you were at Dartmouth?

Mr. BURGUM. I must again invoke the fifth amendment.

Senator McCARTHY. Were any of your professors at Dartmouth Communists? I am not speaking now of members of the Communist Party, but Communists.

Mr. BURGUM. I again invoke the fifth amendment, although it might be recalled that I was at Dartmouth between the years of 1911 and 1915.

Senator McCARTHY. That is why I said that I did not ask you were you a member of the party. I asked you if you were a Communist. There was no organized party at that time but there were Communists at that time.

Dr. MATTHEWS. Do you know what year the Communist Manifesto was published?

Mr. BURGUM. I think it was around 1848?

Senator McCARTHY. So 1848 in point of time is long before you were at Dartmouth. So you know there were Communists at the time you were at Dartmouth?

Mr. BURGUM. No; if you please, I invoke the fifth amendment on that question.

Senator McCARTHY. So that when you say this was away back in 1911 to 1915, do you think that has any special significance?

May I say it is significant to us to indicate that you were a Communist for that period of time. You do not want to tell us now—I will not go through the various years—whether you are a Communist today or whether you have been a Communists since the second year you were at Dartmouth.

Mr. BURGUM. It is correct I shall invoke the fifth amendment on those questions.

Senator McCARTHY. You are entitled to invoke it.

Any further questions?

Mr. COHN. Yes; just one or two.

Have you ever contributed any money to the Communist Party?

Mr. BURGUM. I should invoke the fifth amendment on that question also.

Mr. COHN. Have you contributed any funds which you obtained through royalties on your books to the Communist Party?

Mr. BURGUM. Again I invoke the fifth amendment.

Mr. COHN. I have no further questions.

Senator SYMINGTON. Mr. Burgum, are you an American?

Mr. BURGUM. Yes.

Senator SYMINGTON. Do you think you are a good American?

Mr. BURGUM. I think so.

Senator SYMINGTON. If you are a member of the Communist Party today, how could you be a good American?

Mr. BURGUM. Senator, I am very sorry that it is difficult for me to accept the wording of your questions since I have at no time in this hearing or elsewhere said I was or was not a member of the Communist Party.

Senator SYMINGTON. Are you a member of the Communist Party?

Mr. BURGUM. I have invoked the fifth amendment on that question.

Senator SYMINGTON. How can you be a good American if you are a member of an organization dedicated to overthrow the United States Government by force and violence?

Mr. BURGUM. Again you make it very difficult for me to answer the question, because the question involves the nature of the Communist Party in this country, and I don't consider that that is within my field of research and writing.

Senator SYMINGTON. It has not got anything to do with your field of research and writing if you had been a member of the Communist Party in the thirties and changed as some people came up here and said honestly. We can understand that. I do not see how you can consider you are a good American regardless of what you read and write and at the same time you say you refuse to answer whether or not you are a Communist today. Is not that a fair position for me to take?

Mr. BURGUM. It is not from my point of view, unfortunately, because these many hearings have involved, to my mind, so many organizations that have worthy objectives in the preservation of our Constitution or in the preservation of democracy, that it seems to me when these worthy organizations are called Communist fronts——

Senator SYMINGTON. What has that got to do with the question as to whether or not you are a Communist today?

Mr. BURGUM. I am proceeding to try to say that a great many organizations that are wholly within our democratic tradition, that are in favor of the propagation of democracy——

Senator SYMINGTON. Would you say the Communist Party is within our American tradition in the favor of propagation? I am trying to tie in your observation in respect to the answer.

Mr. BURGUM. I may say that the work of these committees in my opinion has so confused with communism and the Communist Party organizations whose objectives have nothing to do with communism——

Senator SYMINGTON. What is confusing about answering whether or not you are a Communist today?

Mr. BURGUM. It is because I support the objective of many of these organizations, and yet by reason of the fact that they have been smeared as communistic, that one feels that he is laying himself open to the risk of incrimination if he does not invoke the fifth amendment on that issue.

Senator SYMINGTON. Let me get straight what you say. You support a lot of organizations which may or may not be Communist or Communist fronts as I understand what you say.

Mr. BURGUM. Yes.

Senator SYMINGTON. And therefore, because you support those organizations which may or may not be Communist organizations, you will not answer now whether or not you are a Communist yourself; is that right?

Mr. BURGUM. That is not the reason for invoking the fifth amendment as I gave it. One has to add, I think, to your statement that under such circumstances to answer the question would be to testify against one's self.

Senator SYMINGTON. I have no further questions.

Senator McCARTHY. Did you ever travel under any name other than the name you gave us today?

Mr. BURGUM. No; I have never written under any other name, and I have never published anonymously.

Senator McCARTHY. I did not ask you whether you ever wrote under another name. Did you ever use another name?

Mr. BURGUM. No; I never have.

Senator McCARTHY. Were you known by a name other than Burgum in the Communist Party?

Mr. BURGUM. I must invoke the fifth amendment on that question.

Senator McCARTHY. You refuse to answer that?

Mr. BURGUM. Yes.

Senator McCARTHY. Were you ever known in any organization to which you belonged by a name other than Edwin Berry Burgum?

Mr. BURGUM. I invoke the fifth amendment to that question, too.

Senator McCARTHY. Were you ever known by any name in any circles other than Edwin Berry Burgum?

Mr. BURGUM. I invoke the fifth amendment on that question.

Senator McCARTHY. You do not want to tell us what your alias was, then?

Mr. BURGUM. I invoke the fifth amendment to that question.

Senator McCARTHY. Did you have more than one alias?

Mr. BURGUM. I invoke the fifth amendment.

Senator McCARTHY. You may step down.

We have an executive session in room 357 at 2:30 and an open session at 10:30 in the morning. Incidentally, while Senator Symington is here, we have a sizable number of witnesses in New York along the same line, at least one of them who claims to be in bad health and claims to be unable to come to Washington; if the committee has no objection we will have an open hearing in New York Friday at 10:30 and an open hearing tomorrow in Washington at 10:30, in this room.

(Thereupon at 11:55 a. m., a recess was taken until Thursday, July 2, 1953, at 10:30 a. m.)



STATE DEPARTMENT INFORMATION PROGRAM— INFORMATION CENTERS

THURSDAY, JULY 2, 1953

UNITED STATES SENATE,
SENATE PERMANENT SUBCOMMITTEE ON INVESTIGATIONS
OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met (pursuant to S. Res. 40 agreed to January 30, 1953), at 10:30 a. m. in room 318, Senate Office Building, Senator Joseph R. McCarthy (chairman of the subcommittee) presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Karl E. Mundt, Republican, South Dakota; Senator Herman Welker, Republican, Idaho.

Present also: Dr. J. B. Matthews, executive director, Permanent Investigations Subcommittee; Roy Cohn, chief counsel; David Schine, chief consultant; Mrs. Ruth Young Watt, chief clerk.

Senator McCARTHY. The committee will come to order.

I believe the first witness is Mr. Wilkerson. Mr. Wilkerson, will you come forward?

TESTIMONY OF DOXEY A. WILKERSON, BROOKLYN, N. Y., ACCOMPANIED BY JOSEPH FORER, ESQ., WASHINGTON, D. C.—Resumed

Mr. WILKERSON. Yes, sir.

Senator McCARTHY. Will you identify your counsel for the record?

Mr. WILKERSON. Mr. Joseph Forer.

Mr. COHN. Will you speak a little louder, please? We have some trouble hearing you.

Mr. WILKERSON. Mr. Joseph Forer is my counsel.

Mr. COHN. Could we have your full name, please?

Mr. WILKERSON. Doxey A. Wilkerson.

Mr. COHN. You know, of course, you are still under oath. You were in executive session yesterday afternoon and you realize that oath carries over?

Mr. WILKERSON. I understand.

Mr. COHN. Is it Mr. Wilkerson or Doctor Wilkerson?

Mr. WILKERSON. Mr. Wilkerson.

Mr. COHN. Your full name is Doxey Wilkerson, is that right?

Mr. WILKERSON. Doxey A. Wilkerson.

Mr. COHN. And you are Doxey Wilkerson, the author, among other things?

Mr. WILKERSON. I have written some things.

Mr. COHN. And was one of the works you wrote Special Problems of Negro Education?

Mr. WILKERSON. It was. May I interrupt, Mr. Cohn, just a moment? I should like to, at the outset of this hearing, present or to read to the committee a statement which sets forth my position concerning my appearance here.

Mr. COHN. Mr. Chairman, I would suggest we first see whether or not the witness is going to answer the questions the committee puts to him and then see whether or not——

Senator McCARTHY. May I say, Mr. Wilkerson, before you will be allowed to read a statement, we will want to know whether or not you admit or deny you are now a member of the Communist Party, or whether you have been. We have followed the practice of not taking any lectures from anyone who will not tell us whether he is a Communist today, because if he says he cannot answer that because a truthful answer might incriminate him, that is the same as saying he is a member of the party. So after we get down to the question of your communism, if any, we will take up the question of the statement. I may say, do not interpret that to mean we will not let a Communist read a statement. Anyone that comes here and says, "I am a member of the Communist Party," as far as I am concerned, he can say whatever he cares to say. Anyone who comes and says, "I am not a member," can read any statement he cares to make. But when an individual comes here and says, "I am afraid to tell you the truth for fear I might go to jail, I won't tell you whether I am a Communist or not," and refuses to give the information to the committee, then we don't hear any statements from him. So we will get to that.

First I would like to ask this question, if I may: During the last 2 years, 3 years, from time to time, people have said, "Well, let the FBI clean out the Government." Those people have said, "McCarthy, you are interfering with the workings of the FBI." I have used you as an example of why the FBI couldn't clean out the Government. Let's review some of the things I have stated. They were called irresponsible at the time, and I wonder whether or not they are the truth. You can tell us. They are about you.

Mr. WILKERSON. May I, Mr. Senator——

Senator McCARTHY. Let me finish my question. I made the statement that the FBI had issued a 57-page report on you, that they gave that to the Federal Security Agency. That was done on March 7, 1942, way back in 1942. This investigation, I stated, recorded the interviews with people who stated that you were a member of the Communist Party; that nevertheless the Federal Security Agency——will you listen to me, sir?——that despite this FBI report, the Federal Security Agency refused to fire you, saying that you were neither subversive nor disloyal. You then transferred to the OPA. When you resigned from the OPA, within 24 hours you announced you were a Communist Party organizer. I pointed out that you were then appointed a member of the national committee of the Communist Party, and that to be a member of the national committee you had to be a member of the Communist Party in good standing for 4 years.

I used your case as an example of incompetence on the part of the administration in power. I used that to show that no matter how good a job the FBI did, that Communists still retained positions in Government. I would like to ask you whether or not all of those facts which I have just recited are true. Would you like me to break them down one by one? I will do it.

Mr. WILKERSON. The central fact that you have recited is that you made those statements. You will have to say whether that is true.

Senator McCARTHY. Were the statements true?

Mr. WILKERSON. This is probably the first of a whole series of questions you will ask that I will not answer. And I think I might as well at the outset explain my reasons for it.

Senator McCARTHY. There is only one reason you can have for not answering.

Mr. WILKERSON. My reason, sir—

Senator McCARTHY. There is only one reason we will recognize. If you have any other reason you will be ordered to answer.

Mr. WILKERSON. But—

Senator McCARTHY. The only reason recognized here is that a truthful answer might tend to incriminate you. If you have any other reason, we are not interested in it because we do not recognize it.

Mr. WILKERSON. But what you recognize, sir, and what you are interested in is your business. The reasons I will not answer your question are the following—

Senator McCARTHY. I am not going to listen to your reasons because there is only one ground on which you can refuse to answer. I am going to ask you these questions. First, how long did you work for the Government?

Mr. WILKERSON. At various times. Which post are you thinking of?

Senator McCARTHY. Any post at all.

Mr. WILKERSON. I was with the Office of Price Administration for, I guess, about a year. And some time previously I was with the President's Advisory Committee on Education.

Senator McCARTHY. Will you try and speak a little louder? The President's Advisory Commission on what?

Mr. WILKERSON. Committee on Education. I should judge about a year.

Senator McCARTHY. Yes. And do you recall what year you were with OPA and what year you were with the President's Advisory Commission?

Mr. WILKERSON. It was OPA and I was with them during 1942 and 1943.

Senator McCARTHY. And then you were on the President's Advisory Commission or committee in what year?

Mr. WILKERSON. I was not a member of the committee, I was research associate for the committee.

Senator McCARTHY. What year?

Mr. WILKERSON. That was around 1938-39, approximate dates.

Senator McCARTHY. And what other jobs have you held with any Government agency?

Mr. WILKERSON. I haven't been employed in any other Government agency.

Senator McCARTHY. Did you work with the Federal Security Agency?

Mr. WILKERSON. No.

Senator McCARTHY. At no time?

Mr. WILKERSON. No. I have worked at an institution which has some relationships there.

Senator McCARTHY. You worked with an institution which has some relationships with the FSA? What institution was that?

Mr. WILKERSON. Howard University.

Senator McCARTHY. Howard University. And were you doing work for the FSA at that time?

Mr. WILKERSON. I was employed by Howard University.

Senator McCARTHY. Were you doing work for the FSA at that time?

Mr. WILKERSON. Not to my knowledge.

Senator McCARTHY. Not to your knowledge. Is your testimony that you worked for only two Government agencies, OPA and you were research adviser to the President's commission; is that correct?

Mr. WILKERSON. That is all I can recall.

Senator McCARTHY. Who appointed you to the OPA?

Mr. WILKERSON. I don't know.

Senator McCARTHY. Is it correct that you were accused of being a member of the Communist Party while you were working for the Government?

Mr. WILKERSON. That I was accused, by whom?

Senator McCARTHY. I am not asking you now whether you were, I am asking you whether you were accused of being a member of the Communist Party.

Mr. WILKERSON. I suspect that is correct. I have been accused on many occasions by many bodies.

Senator McCARTHY. Was that the subject of a hearing by a Government agency?

Mr. WILKERSON. It was.

Senator McCARTHY. And did you appear to testify?

Mr. WILKERSON. I did.

Senator McCARTHY. Were you under oath?

Mr. WILKERSON. I was.

Senator McCARTHY. Did you deny that you were a member of the Communist Party?

Mr. WILKERSON. I refuse to answer that question for the following reasons—

Senator McCARTHY. You are only entitled to one reason and that is if you feel the answer might incriminate you. Otherwise you will be ordered to answer.

Mr. WILKERSON. The reasons that I refuse to answer the question are that as an educator I—

Senator McCARTHY. You are entitled to—you will only—we will have none of that, now. You are entitled to refuse to answer only on the ground the answer might tend to incriminate you.

Mr. WILKERSON. Why is that I cannot explain to this committee why I will not answer your question?

Senator McCARTHY. We are not going to let any Communists use this committee as a transmission belt. If you want to tell us—unless you label yourself for what you are, if you want to come before the committee and frankly admit you are a Communist or if you want to deny that you are a Communist, in either case you will be allowed to go ahead and give your lecture. Otherwise, we are not going to hear any speech from you.

Mr. WILKERSON. Whatever may be—

Senator McCARTHY. Answer this question: Are you a member of the Communist Party at this moment?

Mr. WILKERSON. I refuse to answer that question because I will not cooperate with this committee's efforts to subvert academic freedom and free inquiry in this country.

Senator McCARTHY. All right. You are ordered to answer the question. If that is your ground, you are ordered to answer the question.

Mr. WILKERSON. Will you let me finish my statement? I refuse—in my statement are the reasons I won't answer your question.

Senator McCARTHY. O. K., go ahead.

Mr. WILKERSON. I refuse to cooperate with your efforts to burn the books, to suppress free speech, free association, and to undermine thereby the basic democratic freedoms of our country. I refuse also on the grounds of my privilege under the fifth amendment not to be a witness against myself.

Senator McCARTHY. Do you feel that if you told us the truth about whether or not you are a Communist today, that that truthful answer might tend to incriminate you?

Mr. WILKERSON. Within the framework of this committee's operations and many related things in our society, I think the answer to that question is yes.

Senator McCARTHY. Not within the framework of the committee. This committee has no criminal jurisdiction.

Mr. WILKERSON. No, but it has considerable influence.

Senator McCARTHY. Under our criminal laws, the criminal laws as they are today, regardless of whether you like them or not, do you feel that if you told us the truth as to whether or not you are a Communist today, that truthful answer might tend to incriminate you?

Mr. WILKERSON. I think if I answered your question yes or no, that either answer within the framework of today's developments might provide a link by which I could be somehow or other framed and brought before a criminal proceedings.

Senator McCARTHY. In other words, you are refusing to answer because you fear you might be framed?

Mr. WILKERSON. I refuse to answer because I invoke my fifth amendment privilege not to be a witness against myself.

Senator McCARTHY. All right, I will ask you the question again, just so you fully understand this. I have explained this over and over again to witnesses. You cannot refuse to answer because perjury might result in your incrimination. You can refuse to answer only if you honestly feel that the truth, the truth, would incriminate you. My question is, do you feel that a truthful answer to this question of whether or not you are a Communist today might tend to incriminate you?

Mr. WILKERSON. My answer remains. I refuse to answer the question on the basis of my privilege not to serve as a witness against myself.

Senator McCARTHY. You are ordered to answer that question.

Mr. WILKERSON. I am ordered to answer what question?

Senator McCARTHY. The one I just asked you.

Mr. WILKERSON. Do you want to state the question again?

Senator McCARTHY. I will be glad to. Mr. Reporter, will you read the question to the witness?

(The reporter read from his notes as requested.)

(The witness consulted with his counsel.)

Mr. WILKERSON. As I stated before, in the present context my answer to that question is yes. I will state also as a part of that response, however, that contrary to your interpretation it is pretty well established that the fifth amendment serves and was designed to serve to protect not only the guilty but the innocent.

Senator McCARTHY. You are wrong on that. The innocent do not need the protection of the fifth amendment. The fifth amendment is to protect a man who is guilty of a crime. It provides that he need not convict himself by his own testimony. That is the purpose of the fifth amendment. If you are not a Communist, you see, as of today, then you would say "No" and that truthful answer could not incriminate you. When you tell this committee that the truth would incriminate you, that means to this committee, and I think to the world, that you are a member of the Communist conspiracy. I am going to ask you several other questions. I am going to refer to the statements which were referred to as irresponsible at the time, and a smear upon you, and you have a chance now under oath to tell us whether they were truthful or not.

Mr. WILKERSON. These are statements that were—I didn't get your first statement.

Senator McCARTHY. I will ask you the question. No. 1, after you left Government, did you immediately become a Communist Party organizer within a matter of 24 hours?

Mr. WILKERSON. I refuse to answer that question on the basis of my rights under the first amendment and my privilege under the fifth.

Senator McCARTHY. You refuse to answer on the grounds that the truthful answer might tend to incriminate you; is that correct?

Mr. WILKERSON. I refuse to answer for the reasons I stated.

Senator McCARTHY. The first amendment has nothing to do with your appearance here today. The first amendment gives you the right of free speech and free activity. You have the right to say whatever you want to wherever you want to say it, as long as you do not advocate the overthrow of this Government by force and violence. No one is trying to abrogate that right.

Mr. WILKERSON. I am here because I use my exercise under the first amendment.

Senator McCARTHY. You will please not interrupt. You are here today because we find that the old State Department is purchasing your books, spreading them throughout the world at taxpayers' expense, allegedly for the purpose of fighting communism. Whether that is a correct or an incorrect fact is the concern of the Congress and the American people. We have you here to find out whether or not you are the type of author whose works should be used in a worldwide fight against communism.

Mr. WILKERSON. May I ask what books of mine?

Senator McCARTHY. You have a right under the first amendment to write any book you care to. Anyone who cares to buy that can buy it, any American or any European. We are not talking about that.

We are talking about purchasing that book at the taxpayers' expense, and putting it in a United States library. You will be allowed to refuse, again, only if you feel that a truthful answer might tend to incriminate you.

Mr. WILKERSON. May I ask what book of mine?

Senator McCARTHY. I will reask the question. Within 24 hours after you left Government employ, did you announce that your new job was "A Communist Party organizer"?

Mr. WILKERSON. I refuse to answer the question for the reasons stated.

Senator McCARTHY. You will state the reason.

Mr. WILKERSON. My rights under the first amendment and my privilege under the fifth amendment.

Senator McCARTHY. You feel that a truthful answer might tend to incriminate you?

Mr. WILKERSON. Not in the narrow sense which you seek to imply.

Senator McCARTHY. In what sense, then?

Mr. WILKERSON. But within the framework of what is happening in our country now, within the framework of the operation of this committee's work, within the framework of certain legal proceedings which are on in our country, the answer to that question is yes.

Senator McCARTHY. Well, we will narrow it down. Under our present criminal laws, do you feel that a truthful answer might tend to incriminate you?

Mr. WILKERSON. Quite possibly it might.

Senator McCARTHY. Do you feel that it might tend to incriminate you?

Mr. WILKERSON. My answer is yes.

Senator McCARTHY. All right. Then you are entitled to refuse to answer. Question No. 2: Were you then appointed a member of the national committee of the Communist Party?

Mr. WILKERSON. For the reasons stated, I refuse to answer your question.

Senator McCARTHY. On the ground that a truthful answer might tend to incriminate you?

Mr. WILKERSON. On the basis of my rights under the first amendment and my privilege under the fifth.

Senator McCARTHY. I am going to spend a lot of time here if necessary to make sure you use this privilege properly. So you can make up your mind that you will answer each one of these questions.

Mr. WILKERSON. I am in no hurry, sir.

Senator McCARTHY. Even if we stay here until late tonight. Are you refusing because you feel that a truthful answer might tend to incriminate you?

Mr. WILKERSON. I am refusing because, in the first place, you are inquiring into things which I think this committee or no committee of Congress has any right to inquire into. This is why I assert the first amendment. I am refusing second, because within the framework of what is developing in our society today, the persecution of people because of what they believe, what they teach, what they advocate, the prosecution of such people, for me to answer that question would be for me to serve as a possible witness against myself which I invoke my privilege and do not do.

Senator McCARTHY. Do you feel it is improper to prosecute in our criminal courts people who advocate the overthrow of this Government by force and violence? Do you feel that is improper?

Mr. WILKERSON. You presumably are referring to the Smith Act prosecutions.

Senator McCARTHY. I asked you a very simple question. Do you understand the question?

Mr. WILKERSON. Yes, I understand the question.

Senator McCARTHY. Will you answer it?

Mr. WILKERSON. People who advocate overthrowing the Government by force and violence, I think it would be proper.

Senator McCARTHY. You think it would be proper to prosecute them?

Mr. WILKERSON. Yes. At the same time that I say that——

Senator McCARTHY. Do you think it is proper to ask a man whether or not he has belonged to an organization which has advocated the overthrow of this Government by force and violence?

Mr. WILKERSON. Not under these circumstances, no.

Senator McCARTHY. You do not think it is proper?

Mr. WILKERSON. No.

Senator McCARTHY. In other words, you think it is proper to prosecute a man who advocates the overthrow of this Government by force and violence, but don't think the Congress should ask a man whether he advocates the overthrow of the Government by force and violence?

Mr. WILKERSON. Will you pardon me a moment because I may want to revise a statement I made to you a moment ago?

Senator McCARTHY. You may do that.

(The witness conferred with his counsel.)

Mr. WILKERSON. I should like, if I may, to go back to an earlier question, if I may.

Senator McCARTHY. You may do that.

Mr. WILKERSON. It was concerning the prosecution of people who advocate.

Senator McCARTHY. Not persecution, prosecution.

Mr. WILKERSON. I said prosecution. Not persecution, but prosecution.

Senator McCARTHY. Let us restrict it to prosecution in our criminal courts.

Mr. WILKERSON. All right. I believe I said "Yes" in answer to your question.

Senator McCARTHY. You did.

Mr. WILKERSON. I think I should like to revise that statement. I think anyone who participates in the actual seeking to overthrow the Government of our country by force and violence, by all means should be prosecuted. There are no such prosecutions under way in our country now. It is for teaching an advocacy that people are now being prosecuted and that I certainly do not think is a proper prosecution.

Senator McCARTHY. In other words, you think it is improper to prosecute anyone who teaches that we should overthrow this Government by force and violence?

Mr. WILKERSON. I think that teaching and advocacy, as Justice Black, incidentally also believes, are areas which no governmental agency has a right to interfere.

Senator McCARTHY. Did you say Black or Douglas?

Mr. WILKERSON. Black and Douglas.

Senator McCARTHY. In other words, you say today that you feel that you have the right to teach and advocate the overthrow of the Government by force and violence, you think you have that right?

Mr. WILKERSON. I think I have the right to teach and advocate anything that I believe.

Senator McCARTHY. How long have you taught?

Mr. WILKERSON. I have been teaching for more than a quarter of a century.

Senator McCARTHY. And have you taught your students that it was proper and desirable to overthrow this Government by force and violence?

Mr. WILKERSON. No.

Senator McCARTHY. Have you ever advocated the overthrow of this Government by force and violence?

Mr. WILKERSON. I have not.

Senator McCARTHY. Have you attended Communist cell meetings where that was advocated?

Mr. WILKERSON. That question I refuse to answer on the bases previously stated.

Senator McCARTHY. Where do you work now?

Mr. WILKERSON. That question, too, I refuse to answer, and in doing so, I want it to be clear that my association, my political opinions, are things of which I am not ashamed, indeed I proclaim them to the world. Within the framework of this committee's operations, however, I think for me to answer that question would jeopardize me, and I refuse to do so on the bases previously stated.

Senator McCARTHY. On the ground that a truthful answer might tend to incriminate you?

Mr. WILKERSON. On the basis of my rights under the first amendment and my privilege under the fifth.

Senator McCARTHY. Do you feel if you told us where you were—let's frame the question differently. Are you in the pay of the Communist Party as of today?

Mr. WILKERSON. I refuse to answer the question for the reasons stated.

Senator McCARTHY. You feel if you told us the truth as to whether or not you are on the payroll of the Communist Party this moment, that truthful answer might tend to incriminate you?

Mr. WILKERSON. Within the framework that I explained before, yes.

Senator McCARTHY. The only framework we are concerned about is America's criminal laws, regardless of whether you like them or not.

Mr. WILKERSON. And the present interpretation of those laws; yes.

Senator McCARTHY. And the interpretation of the laws by our authorities.

Mr. WILKERSON. I answered your question.

Senator McCARTHY. Your answer is, Were you to tell us whether or not you were on the payroll of the Communist Party as of this moment, and if you told us the truth, that truthful answer might tend to incriminate you?

Mr. WILKERSON. I think if I gave you any answer it might be used in criminal proceedings against me.

Senator McCARTHY. We are not concerned about a perjury. Naturally that would incriminate you. The question is, If you gave us a truthful answer, do you feel that would tend to incriminate you?

Mr. WILKERSON. I stand by the explanation I have given, Senator.

Senator McCARTHY. You will answer the question: Do you feel that if you gave a truthful answer to the question as to whether or not you are on the payroll of the Communist Party, that that truthful answer would tend to incriminate you?

You will be ordered to answer that question.

(The witness consulted with his counsel.)

Mr. WILKERSON. I stand by the answer I have given you 5 or 6 times, Senator, that within the present context it is my feeling that the answer, any answer to that question, would be—might be—used in criminal proceedings against me.

Senator McCARTHY. Then you will be ordered to answer the question. It is only if you feel that a truthful answer might tend to incriminate you. You see, you have a right under the fifth amendment to not incriminate yourself by a truthful answer. You have no right to refuse to incriminate yourself by perjury. So before we can determine whether or not you have the right to refuse to answer the question, I must have from you the very simple answer as to whether or not you feel that a truthful answer would tend to incriminate you. If you so feel, you can refuse to answer the other question. If not, you will be ordered to answer.

Mr. WILKERSON. I want to point out that I have said nothing about perjury. You have, Senator.

Senator McCARTHY. That is right, I have.

Mr. WILKERSON. I have also said and continue to say—there is one other thing, by the way: As I understand the fifth amendment, it is a privilege which properly can be invoked if the answering of a question would lead to criminal prosecution. Within the framework of what is developing in our society, my answer, and with that understanding, my answer to your question is "Yes."

Senator McCARTHY. Is that yes, a truthful answer might tend to incriminate you?

Mr. WILKERSON. My answer is that any answer would tend to incriminate me, which must include a truthful answer.

Senator McCARTHY. Naturally, perjury would tend to incriminate you. Naturally it would. The privilege does not extend to your coming here and committing perjury.

The privilege only extends where you say that telling the truth, giving the facts, might tend to incriminate you. Is it your testimony that a truthful answer might tend to incriminate you?

Mr. WILKERSON. I think I have answered your question a number of times.

Senator McCARTHY. Well, you will answer it again. I haven't heard the answer yet.

Mr. WILKERSON. The answer is that within the framework of developments in our society now, including the operations of this committee, "Yes."

Senator McCARTHY. All right, then, you are entitled to refuse to answer. Let me ask you this: Do you think that your books would be effective in our overseas libraries to combat communism?

Mr. WILKERSON. What books are you talking about?

Senator McCARTHY. Any of your books.

Mr. WILKERSON. I wish you would specify your question. You are referring to what books?

Senator McCARTHY. Can you name any one of your books that would, you think, be effective in combating communism?

Mr. WILKERSON. I would like to react to your question concerning books in overseas libraries, and I presume you know what book you are talking about. May I know what book you are talking about?

Senator McCARTHY. I am asking you whether you have ever written a book that you think would effectively combat communism.

Mr. WILKERSON. I have never written a book for the purpose of combating communism.

Senator McCARTHY. Have you ever written one that you think would effectively combat communism, regardless of the purpose?

Mr. WILKERSON. I haven't been interested in combating communism.

Senator McCARTHY. I assume you haven't been. Have you been interested in furthering the cause of communism?

Mr. WILKERSON. That question I refuse to answer for the reasons stated.

Senator McCARTHY. Do your writings in your opinion tend to further the cause of communism?

Mr. WILKERSON. One book that I think was referred to here, Special Problems of Negro Education, is a book which analyzes the horrible discriminations against Negroes in education in our country. It was written at the request of the Federal Government, and it pictures in all of the Southern States the unequal educational conditions affecting Negroes. It made recommendations to the Federal Government with reference to—Are you listening, Senator?

Senator McCARTHY. Go ahead.

Mr. WILKERSON. I will wait until you are ready.

Senator McCARTHY. I am listening, proceed. Proceed.

Mr. WILKERSON. It made recommendations to the Federal Government for the administration of Federal funds in a way which is not discriminatory concerning Negro schools. There is nothing about communism in the book. It is an analysis of a feature of American democracy, one which I think certainly weakens American democracy. But its relevance to the defeat of communism, if one is interested in this, I don't see.

Senator McCARTHY. Will you answer my question now?

The question is, Have you ever written a book which you think could be used in combating communism?

Mr. WILKERSON. The uses to which anything that I have written might be put, I don't know. I have never written a book which, in my opinion, served the purpose of fighting communism.

Senator McCARTHY. Have some of your books been printed in the Government Printing Office?

Mr. WILKERSON. One has.

Senator McCARTHY. One has. Who arranged to have that printed in the Government Printing Office?

Mr. WILKERSON. The President's Advisory Committee on Education.

Senator McCARTHY. When you were in Government, did you know Alger Hiss?

Mr. WILKERSON. I refuse to answer that question on the basis of my rights and privileges under the first and fifth amendments.

Senator McCARTHY. Did you attend Communist meetings at which Alger Hiss was also present?

Mr. WILKERSON. For the reasons stated, I refuse to answer your question.

Senator McCARTHY. Did you know Owen Lattimore?

Mr. WILKERSON. I refuse to answer for the reasons stated.

Senator McCARTHY. Did you ever attend a meeting in Baltimore, a Communist cell meeting, at which Owen Lattimore and Mrs. Owen Lattimore were both present?

Mr. WILKERSON. Again, on the grounds stated, I refuse to answer your question.

Senator McCARTHY. On the ground that a truthful answer might tend to incriminate you?

Mr. WILKERSON. My reasons for refusing to answer are, first, that you have no right to inquire into my associations, opinions, or what have you. Whether you recognize this or not is one of the reasons I don't answer, my rights under the first amendment. I refuse, second, on the basis of my privilege under the fifth amendment not to be a witness against myself.

Senator McCARTHY. Is it your testimony that if you were to tell us the truth as to whether or not you went to Baltimore and attended a Communist cell meeting at which Owen Lattimore and Mrs. Lattimore were both present, that a truthful answer might tend to incriminate you?

Mr. WILKERSON. Within the framework of my previous explanation, yes.

Senator McCARTHY. May I ask counsel, has it been established that this man's works have been purchased by the old State Department and are in a number of our information centers; is that correct?

Mr. SCHINE. We have found that to be established by information given to us by the State Department, Mr. Chairman.

Senator McCARTHY. And that has been confirmed by contacting the State Department?

Mr. SCHINE. Yes, sir; it has.

Mr. WILKERSON. Is it implied here, Senator, that there is something about a book on Negro education that is subversive?

Senator McCARTHY. We will ask the questions.

The books by a man who is a member of the National Committee of the Communist Party, who says he doesn't know of any book that could be used to combat communism, may possibly not be the type of books that the taxpayers—

Mr. WILKERSON. If you are concerned with the book, why don't you talk about the book or let me talk about it?

Senator McCARTHY. We will let counsel do that.

Mr. COHN. I want to ask you a few questions with respect to that book. While you were writing that, were you in consultation with any members of the Communist Party about the book?

Mr. WILKERSON. You are not asking me about the book.

Senator McCARTHY. Answer the question.

Mr. WILKERSON. I will answer the question, but I should like also to insist if you are concerned with that book on Negro education, let's see what is wrong with it.

Mr. COHN. Would you mind answering the question, Mr. Wilkerson?

Mr. WILKERSON. Your question I will refuse to answer on the grounds previously stated.

Mr. COHN. Did you submit the manuscript of what you wrote towards that book to the Communist Party headquarters before that manuscript was submitted to the Government office?

Mr. WILKERSON. I will answer that question, no.

Mr. COHN. Did you submit it to the cultural commission of the Communist Party or any member of that commission?

Mr. WILKERSON. No.

Mr. COHN. Did you consult with any of the top leadership of the Communist Party concerning anything in that manuscript?

Mr. WILKERSON. No.

Mr. COHN. Did you consult with any member of the Communist Party concerning anything in that manuscript?

Mr. WILKERSON. I am not sure of the answer to that question. Indeed, I think I better invoke my privilege on that question because whether anybody I talked with concerning that book was a member of the Communist Party, I don't know.

Mr. COHN. You have no recollection as to whether anyone was or was not, is that it?

Mr. WILKERSON. I have no recollection of talking with any member or leader of the Communist Party about that book.

Mr. COHN. May I have the first question and answer which I asked this witness in this series read?

Senator McCARTHY. May I ask counsel, I understand you have read the book. Is it correct that the book is a bitter condemnation of America, pointing out that we have tremendous racial prejudices, discrimination against minorities, is that the type?

Mr. COHN. Yes, Mr. Chairman.

Senator McCARTHY. I would like to know whether the whole tenor of the book is a condemnation of the American society.

Mr. COHN. I think that would be a fair construction, which anyone will get from reading it.

Mr. WILKERSON. I will have to object to that characterization. It is a distortion. What that book does is objectively, without any bitterness, without any bitterness that would be fully warranted by the facts, quite objectively to analyze what are the conditions under which the Negroes go to school in the South, and to set forth the facts objectively.

Now, it may be bitter condemnation of American society to discriminate against Negroes in education as they do. But to call a description of that situation a condemnation of American society is a distortion. Indeed it would help American society to know these things.

Senator McCARTHY. At the time you wrote that book, was it the Communist Party line to urge that we were discriminating against Negroes, they were being unfairly treated and that the treatment of minorities in the Soviet Union was much better, was that the Communist line?

Mr. WILKERSON. I have been condemning the discriminations against Negro education long before I ever heard of the Communist Party.

Senator McCARTHY. Was that the Communist line at that time?

Mr. WILKERSON. I don't know what the Communist line was on that subject.

Senator McCARTHY. You don't know?

Mr. WILKERSON. No.

Senator McCARTHY. Were you a member of the Communist party then?

Mr. WILKERSON. I refuse to answer that question for the reasons stated.

Senator McCARTHY. Did you discuss what the Communist line was at cell meetings at that time?

Mr. WILKERSON. For the reasons stated I refuse to answer your question.

Senator McCARTHY. Did you discuss at any cell meetings the fact that you were writing a book dealing with America's discrimination against minorities?

Mr. WILKERSON. For the reasons stated I refuse to answer the question.

Senator McCARTHY. Were you under Communist Party discipline at that time?

Mr. WILKERSON. I again refuse for the reasons stated.

Senator McCARTHY. I noticed one of our very able Senators from the Jenner committee is here. Would you care to come up to the table with us?

Senator WELKER. No; this is all right.

Mr. COHN. Have you ever taught at Howard University, Mr. Wilkerson?

Mr. WILKERSON. What is that?

Mr. COHN. Have you ever taught at Howard University?

Mr. WILKERSON. I have.

Mr. COHN. During what years?

Mr. WILKERSON. 1935 to 1943, I think it was.

Mr. COHN. During that period of time, when you were teaching at Howard, were you a member of the Communist Party?

Mr. WILKERSON. I refuse to answer your question for the reasons stated.

Mr. COHN. Did you attend any Communist cell meetings with other members of the faculty of Howard at that time?

Mr. WILKERSON. The same answer.

Mr. COHN. Are you at this moment a teacher of various subjects dealing with communism and advocating communism at the Jefferson School in New York?

Mr. WILKERSON. I explained earlier that my political views, my present associations, I am quite proud of.

Mr. COHN. Then answer the question.

Mr. WILKERSON. Within the framework of this committee's operations, however, I invoke my privilege under the fifth amendment and refuse to answer your question.

Mr. COHN. You refuse to answer the question?

Mr. WILKERSON. That is right.

Mr. COHN. By the way, are you the same Doxey Wilkerson who was a witness for the 11 convicted Communist leaders at the Foley Square trial?

Mr. WILKERSON. In the pretrial, the jury challenge pointing out the discriminatory character of the jury system; yes.

Mr. COHN. Did you draw on any of the materials you had prepared when you prepared this book we have been talking about?

Mr. WILKERSON. In that circumstance?

Mr. COHN. Yes.

Mr. WILKERSON. No.

Mr. COHN. Do you use this book, which we are talking about, at the Jefferson School to teach your classes there?

Mr. WILKERSON. I refuse to answer the question for the reasons stated previously.

Mr. COHN. Have you contributed, did you contribute any—

Senator McCARTHY. Let me ask this question: Is the reading of the book which we have just discussed required reading in any of the classes at the Jefferson School?

Mr. WILKERSON. For the reasons stated, I refuse to answer that question.

Senator McCARTHY. Is the Jefferson School a Communist school?

Mr. WILKERSON. It is general information, Senator, that the Jefferson School is open to everybody who wants to come. Some hundred thousand people have come there during the past 10 years to enroll and study what they want to.

Senator McCARTHY. You say it is not a Communist-controlled school?

Mr. WILKERSON. I say it is a school that is open to everybody that wants to come.

Senator McCARTHY. Is it a Communist-controlled school?

Mr. WILKERSON. Further than this, I will not go in my answer on the basis previously stated.

Senator McCARTHY. You mean if you told us whether or not it is a Communist-controlled school, that might tend to incriminate you?

Mr. WILKERSON. I mean that an answer to that question, within the framework of this proceedings, might, yes.

Senator McCARTHY. Not within the framework of this proceeding, but under our criminal law?

Mr. WILKERSON. Within the framework of developments of our society at that time, people of unorthodox political views.

Senator McCARTHY. You have not stated a sufficient ground for refusal to answer. Unless you feel that under our present criminal laws a truthful answer to that question might tend to incriminate you, you cannot refuse to answer. It is a very simple question. Do you feel that under our present criminal laws, if you were to tell us the truth, as to whether or not the Jefferson School at which you teach is Communist-controlled, that answer might tend to incriminate you?

(The witness consulted with his counsel.)

Senator McCARTHY. Mr. Counsel, may I suggest that you are very close to the microphones.

Mr. FORER. That is why I asked him to lean more toward me.

Senator McCARTHY. Are you going to answer that, sir?

Mr. WILKERSON. I think I have answered it several times about as well as I can. The interpretation which you seek to place on my refusal to answer is one which I do not accept.

Senator McCARTHY. I understood you to say that within the framework of this committee you refused to answer. The question is, Do

you feel that under our present criminal laws a truthful answer to that question might tend to incriminate you?

Mr. WILKERSON. I think that an answer to that question, in the present context of developments in our society, including proceedings in the court, might be used in criminal prosecutions against me.

Senator McCARTHY. Then you are entitled to refuse to answer. Who in Government arranged to have your book printed in the Government Printing Office?

Mr. WILKERSON. I answered that question.

Senator McCARTHY. Who? What individual?

Mr. WILKERSON. The President's Advisory Committee on Education.

Senator McCARTHY. What individual?

Mr. WILKERSON. I don't know.

Senator McCARTHY. Did you discuss it with any individual?

Mr. WILKERSON. Discuss what with any individual?

Senator McCARTHY. Pardon?

Mr. WILKERSON. Did I discuss what with any individual?

Senator McCARTHY. The printing of your book in the Government Printing Office.

Mr. WILKERSON. The Committee for which I was working, the President's Advisory Committee.

Senator McCARTHY. Well, let us see. A committee does not have a composite voice. What individual discussed that with you, what individual on the Committee?

Mr. WILKERSON. I really don't know.

Senator McCARTHY. You do not remember?

Mr. WILKERSON. No.

Senator McCARTHY. Did you know Floyd Reeves?

Mr. WILKERSON. I don't even know whether it was discussed with me as such.

Senator McCARTHY. Did you know Floyd Reeves?

Mr. WILKERSON. Floyd Reeves was Chairman of the Committee.

Senator McCARTHY. Was Reeves a member of the Communist Party?

Mr. WILKERSON. I refuse to answer that question, Senator, on the grounds stated.

Senator McCARTHY. Did you ever attend any Communist meetings with Reeves?

Mr. WILKERSON. Again, for the reasons stated, I refuse to answer that question. I think that the asking of a question also under these circumstances represents a slander of people that you have no right to do, but you are ruling this committee, so I just refuse to answer.

Senator McCARTHY. Well, you see, yesterday we asked you about your knowledge of a number of different people. You were very select. In the case of some you said "No; I don't know him." "Yes; I do know him." We get down to people like Alger Hiss and you would refuse to answer. So, if there is any slander in any one, you are creating the impression. When you say "I refuse to say whether I attended Communist meetings with any individual," you are creating a strong impression that you did because if you did not attend such Communist meetings you can very simply say "No; I did not." Reeves was a good friend of yours. If you did not attend Com-

munist meetings with him, you should very frankly say "No; I did not." I am going to give you a chance, again, to clear the name of Reeves, who was a good friend of yours.

Mr. WILKERSON. I didn't say he was a good friend of mine.

Senator McCARTHY. Well, was he a good friend of yours?

Mr. WILKERSON. He was the chairman of the committee that employed me. That is all.

Senator McCARTHY. Was he a friend of yours?

Mr. WILKERSON. Friends in terms of a personal, intimate sort; no.

Senator McCARTHY. I am not talking about personal intimacy. I am asking whether he was a friend of yours.

Mr. WILKERSON. He was not an enemy, he was a chairman of the committee with whom I worked cooperatively.

Senator McCARTHY. He hired you?

Mr. WILKERSON. He employed me, I guess. The committee did. I don't know whether he had anything—

Senator McCARTHY. If you can truthfully, without incriminating yourself, clear his name, here is your chance. Did you ever attend a Communist cell meeting with him?

(The witness consulted with his counsel.)

Mr. WILKERSON. One of the difficulties of this kind of proceedings is that it places people in a real dilemma. If they tell the truth, they or somebody else might be subjected to unwarranted proceedings. I don't want by your distorted interpretations, to have my answers to any of these questions reflect on anybody involved. But under the circumstances I think I must stand on the answer I gave by refusing to answer the question on the grounds previously stated.

Senator McCARTHY. Might I say the only dilemma you are in, Mr. Wilkerson, is not knowing how much evidence we have. You don't know when you can safely lie to the committee to clear your friends. If you knew that we did not have evidence of your cell meetings with certain individuals, we know that you would freely say that they were not there. That is the only dilemma you have. You see, as long as you tell the truth, the truth will not incriminate you, you are not in any dilemma.

I am going to ask you another question. Did you know a man by the name of Luther Evans?

Mr. WILKERSON. Before I answer that question, I want to make it clear that the dilemma I face is not the one which you specify.

Senator McCARTHY. You may proceed.

Mr. WILKERSON. The dilemma I face is rather one of having seen in criminal proceedings and otherwise in our society, innocent people framed by perjurers on the stand as witnesses and various other means. And it is not simply truthful incidence.

Senator McCARTHY. Name the innocent person who was framed on the stand, the man you saw framed. You said you saw innocent people framed on the stand. By that do you mean in criminal court?

Mr. WILKERSON. Yes.

Senator McCARTHY. Will you name the individual?

Mr. WILKERSON. I have seen a number of leaders of the Communist Party framed in criminal courts—

Senator McCARTHY. How about the 11?

Mr. WILKERSON. By lying witnesses.

Senator McCARTHY. You mean that they were not Communists?

Mr. WILKERSON. Who wasn't Communist?

Senator McCARTHY. Those innocent people that you saw framed.

Mr. WILKERSON. So far as I recall their testimony was that they were. I am not sure what they testified.

Senator McCARTHY. And so you are talking about innocent Communists now who were framed?

Mr. WILKERSON. That is right.

Senator McCARTHY. Do you know any innocent non-Communist who was framed?

Mr. WILKERSON. I may, but I think I won't go into speculations on that subject.

Senator McCARTHY. Well, you said you knew innocent people who were framed. Now you say you know of some Communists, innocent Communists, who were framed. The question is, Do you know of any non-Communist who was ever framed in our criminal courts?

Mr. WILKERSON. I think there have been.

Senator McCARTHY. Name one.

Mr. WILKERSON. I think that Willie Magee, a Negro from Mississippi, who was murdered recently, was framed, and so far as I know he was not a Communist. Sacco-Vanzetti—

Senator McCARTHY. Let us see now, as far as you know. Unless you were a member of the Communist Party, would you have any way of knowing? How about the Rosenbergs? Were they framed?

Mr. WILKERSON. I think so.

Senator McCARTHY. Do you think the 11 top Communists were framed?

Mr. WILKERSON. Yes.

Senator McCARTHY. Does the Communist Party advocate the overthrow of this Government by force and violence?

Mr. WILKERSON. I understand that it does not.

Senator McCARTHY. You understand that it does not?

Mr. WILKERSON. Yes.

Senator McCARTHY. Do you know of any Communist—counsel has just suggested an excellent question—do you know of any Communist who was properly convicted, who was not framed?

Mr. WILKERSON. Convicted of what?

Senator McCARTHY. Well, of anything. You have named Communists who were framed. I would like to know if you know of a single Communist who was properly convicted, if you think of one.

Mr. WILKERSON. I don't think of one.

Senator McCARTHY. You cannot think of one. I see.

Did you know Luther Evans?

(The witness consulted with his counsel.)

Mr. WILKERSON. Do you mind telling me who Luther Evans is?

Senator McCARTHY. The question is, Did you ever know a Luther Evans?

Mr. WILKERSON. So far as I know, no. I don't recall such a person.

Senator McCARTHY. Did you ever discuss any of your books with a Luther Evans?

Mr. WILKERSON. I think I just told you, Senator, that I don't recall who Luther Evans is.

Senator McCARTHY. Do you recall discussing your books with a Luther Evans?

Mr. WILKERSON. It would necessarily follow, I think, would it not?
Senator McCARTHY. I would assume it would.

Senator MUNDT, any questions?

Senator MUNDT. I have only one.

I think you said that the Communist Party did not believe in the overthrow of the Government by force and violence, so far as you knew it. That is a rather unique interpretation of the objectives of the Communist Party. Could you dilate on that source of information that you have, or what makes you say that as you have?

Mr. WILKERSON. I would be very glad to. As I understand, the teaching of the Communist Party is that the process of development of society is one which leads, necessarily, from a capital society in the course of history to a Socialist society and ultimately to a Communist society. Now, we are dealing here not with back-room conspiracies that can be achieved by a plot. Are you following me, Senator?

Senator McCARTHY. Just a minute.

Mr. WILKERSON. We are dealing here, rather, with processes of growth and development, the same kinds of process that lead from the transition from feudal society to capital society. This is something that no conspiracy can bring about through force and violence. Socialism can be brought to our country or any country in the world only when the society is at the stage which requires its moving to the next stage, and when most of the people want that kind of a society.

Senator MUNDT. Would you say that is the way that communism was brought to Czechoslovakia?

Mr. WILKERSON. There is no communism in Czechoslovakia. It is a people's democracy which is building a Socialist society.

Senator MUNDT. Would you say that is the way the Kerensky Government was superseded by a Communist Government in Russia?

Mr. WILKERSON. There was a revolution in Russia, just as we have had in this country at 1 or 2 times.

Senator MUNDT. And force and violence.

Mr. WILKERSON. There was violence in that revolution as well as the American Revolution, and the American Civil War.

Senator MUNDT. Communism got control of Russia through revolution, we will agree to that.

Mr. WILKERSON. The working class in Russia, so far as I understand, got control in struggles in which there was involved force and violence.

Senator MUNDT. All right. So would you say communism came to Poland through this revolutionary process that you mentioned, or was there force and violence?

Mr. WILKERSON. Your terms are very loose. What do you mean by communism?

Senator MUNDT. I mean the Russian system of government.

Mr. WILKERSON. Which is not communism. It is socialism.

Senator MUNDT. Well, we won't quibble over the term.

You know what I mean. Let's say the Russian system of government, if you prefer.

Mr. WILKERSON. Well, the Russian system of government is not in Poland. The Polish system of government is there, and it is quite different from the Russian system.

Senator McCARTHY. And is it a people's democracy also? You would call that a people's democracy?

Mr. WILKERSON. That is right.

Senator MUNDT. Would you call it a people's democracy in East Berlin?

Mr. WILKERSON. Yes.

Senator MUNDT. Is it not a kind of unique people's democracy that employs tanks on the part of the government to smooth down the people? Is that not a sort of strange system for a people's democracy to use?

Mr. WILKERSON. This Government has used tanks also against its people.

Senator MUNDT. When?

Mr. WILKERSON. The bonus march right out here.

Senator MUNDT. Were the tanks out there shooting down innocent people?

Mr. WILKERSON. That is my recollection.

Senator MUNDT. Were you there?

Mr. WILKERSON. I wasn't there. I read the newspapers at the time.

Senator MUNDT. That is the first I ever heard that we had tanks down there spraying bullets on the people during the bonus march. Are you sure you did not get that out of some article in the Daily Worker?

Mr. WILKERSON. Whether it was actually tanks or not, I don't know. But they were using weapons, and I think that is the important point.

Senator MUNDT. We were talking about tanks going down the street shooting the people.

Mr. WILKERSON. I think the essential point is weapons of force and violence.

Senator MUNDT. Would you say that the movement to put communism in Korea is a slow evolutionary process or is there some force and violence there on the part of the Communists?

Mr. WILKERSON. Force and violence is being used in Korea to try to check a process of evolutionary development.

Senator MUNDT. Do you mean the Americans are using force and violence to stop this peaceful ideological invasion that the Communists are bringing down from the north; is that what you are trying to tell us?

Mr. WILKERSON. If you want to get into the discussion of the Korean war—

Senator MUNDT. No; I just want to find out whether the Communists are employing force and violence.

Mr. WILKERSON. It happens to be a fact that in North Korea there was developing a society immeasurably superior in terms of its value to the people than what was true in South Korea. It was a society in which the masses of the people were actually participating in determining their own future. Now, I think a lot of people are beginning to have some question as to who did what first, June 1950, and I have my own opinions on the matter. But I have no authority for them.

Senator MUNDT. You are about to tell us, I suppose, that in 1950 the United States started an invasion in the south, and that peaceful paradise known as Communist North Korea, is that it?

Mr. WILKERSON. There are certain circumstances that suggest that is not very far from the truth.

Senator MUNDT. I am not interested in this perversion of history, Mr. Chairman, but I would certainly conclude that if any of his books are being used in the information service of this country to fight communism, these should be removed.

Mr. WILKERSON. Remember, it is the books on Negro education and not Korean wars that you are proposing to be removed.

Senator McCARTHY. One further question: Did you attend Communist meetings at which there was discussed the fact that it was the Communist policy to destroy this Government by force and violence? Did you attend Communist meetings where that was discussed?

Mr. WILKERSON. There it—my answer to the question is that I have never attended any meeting which was advocating the overthrow of the Government of the United States by force and violence.

Senator McCARTHY. Have you ever attended any Communist meeting at which that was advocated?

Mr. WILKERSON. I have attended no meeting at which that was advocated.

Senator McCARTHY. Either Communist or otherwise?

Mr. WILKERSON. Any meeting.

Senator McCARTHY. Neither Communist nor otherwise?

Mr. WILKERSON. That would include any meeting, would it not?

Senator McCARTHY. Have you ever traveled abroad?

Mr. WILKERSON. I think I crossed the Canadian border once to see Niagara Falls.

Senator McCARTHY. You were never off the North American Continent?

Mr. WILKERSON. No.

Senator McCARTHY. Senator Welker, have you any questions?

Senator WELKER. I have no questions, thank you.

Senator McCARTHY. Senator Mundt, anything else?

Senator MUNDT. No questions.

Senator McCARTHY. You may step down.

I may say for the record at this point that one of the purposes of bringing Mr. Wilkerson here was to show another typical author whose works under no circumstances should be used in our information centers abroad. Here we have a man who was in the National Committee of the Communist Party, who wrote a book that went right down the party line condemning America because of alleged racial discrimination, exaggerating any discrimination there might be at tremendous lengths. We find that book being purchased by the old State Department, and distributed throughout the world to show how superior America is to the Russian system. Frankly, I do not care what they do with his book after they remove it, whether they burn it or not. I can see no objection to destroying it. I do not think it should be stored at Government expense.

Senator MUNDT. Mr. Chairman, may I say that I am happy to see used the term which is completely accurate, our American information centers abroad, because there has been a disposition on the part of certain columnists and commentators to try to confuse the issue of these hearings by referring to the information centers abroad as though they were libraries. But what we were establishing were American reading rooms, information centers. We never had any remote intention of providing a system of libraries all over the world

supported by American taxpayers to provide a complete depository for all printed books in foreign cities. We did have the intention, and the law specifically provides, that the taxpayers' money shall be used for information centers abroad, American reading rooms, American information centers, as part of the program to carry the American story to foreign people. I think the people that comment on these hearings should keep that in mind. And I point out that Dorothy Thompson in yesterday's newspaper did a very thorough job and a very splendid job in pointing out the difference between the library according to our concept, and the type of library we are establishing abroad which is a part of the information program, which is a reading room, which is an information center. I would like to find any person who can say that any Communist book has any rightful place in a program of that kind set up specifically for the purpose of fighting communism abroad.

Senator McCARTHY. I might say also, Senator, there is I think considerably deliberately created confusion between teaching communism, which I think is certainly proper, to teach what communism is, teach the evils of it, and advocating communism by teachings. There is the difference between a good American teacher teaching his students what communism is so they can recognize the evil, and a Communist professor advocating communism and trying to reach his students to follow it.

I think a great deal of confusion along that line is very deliberate.

I hope that the press doesn't misunderstand that as any complaint about the way these hearings have been covered. I think they have been covered very well, very honestly, except by the few Daily Worker type of papers.

Senator MUNDT. I think, Mr. Chairman, with a few notorious and a few unhappy exceptions, that there is generally conceded now there is a great difference between teaching communism and Communists teaching, and that is the thing we are trying to bring out.

Senator McCARTHY. Right.

We will adjourn until 1 o'clock this afternoon, at which time there will be a public hearing in room 357 on the Santa Margarita Waterway. That will be at 1 o'clock and will be an open hearing.

(Whereupon, at 11:45 a. m., the committee was recessed, to reconvene at 1 p. m. the same day.)

STATE DEPARTMENT INFORMATION PROGRAM— INFORMATION CENTERS

TUESDAY, JULY 7, 1953

UNITED STATES SENATE,
PERMANENT SUBCOMMITTEE ON INVESTIGATIONS OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

The subcommittee met at 10:40 a. m. (pursuant to S. Res. 40, agreed to January 30, 1953) in the caucus room, Senate Office Building, Senator Joseph R. McCarthy presiding.

Present: Senator Joseph R. McCarthy, Republican, Wisconsin; Senator Henry M. Jackson, Democrat, Washington; Senator Stuart Symington, Democrat, Missouri.

Present also: J. B. Matthews, executive director; Roy M. Cohn, chief counsel; G. David Schine, chief consultant; Ruth Young Watt, chief clerk.

Senator McCARTHY. The hearing will come to order.

Over the weekend, I note that some of the Senators have disagreed with an article written by our executive director, Dr. Matthews here, and they have asked that we have a meeting so we can discuss his article. I have set 3 o'clock this afternoon for the meeting.

May I say this article was written before Mr. Matthews came with the committee. Therefore, it expresses Dr. Matthews' opinions and, of course, does not represent any thinking on the part of the committee because it was written purely from Dr. Matthews' information. I do not believe he used any of our committee files in connection with this. Did you, Doctor?

Mr. MATTHEWS. No, sir.

Senator McCARTHY. It has to do with the possible infiltration of the clergy by Communists. I may say I have never made a study of this matter. I know practically nothing about it. I do not intend to make a study of it. I would like to suggest to the Senators, however, all those who are on the committee, that before the meeting this afternoon they read another article which Dr. Matthews has also written before he came with the committee. It is entitled "Communism and the New Deal." This is not on the newstand yet. I have a copy of it here. I am going to ask counsel to make photostats and give all the Senators copies of it. And also the other article that Dr. Matthews wrote on the infiltration of the teaching profession by Communists and also another article entitled "Communists in the White House."

Mr. MATTHEWS. Yes.

Senator McCARTHY. I think all Senators should read all of those articles so we can decide this afternoon whether we should burn the articles or burn the authors.

I would like to say also there is no doubt in my mind but what the vast majority of the clergy of every religion are good, loyal Americans.

I may say this is a continuation of the hearings covering the authors whose books were purchased by the old State Department and used in our overseas libraries, allegedly to explain the American way of life, and to fight communism. Will you call your first witness, Mr. Counsel?

Mr. COHN. Mr. d'Usseau, please.

TESTIMONY OF ARNAUD d'USSEAU, ACCOMPANIED BY R. W. FRANCE, ESQ., NEW YORK, N. Y.—Resumed

Senator McCARTHY. You have been sworn, Mr. d'Usseau. You are reminded your oath is still in effect. You may sit down.

For the record, will you identify your counsel?

Mr. FRANCE. R. W. France, 104 East 40th Street, New York City.

Mr. COHN. Mr. d'Usseau, are you the author of Deep Are the Roots, the coauthor of that book?

Mr. d'USSEAU. I am. I would like to tell you something about that play, counsel.

Mr. COHN. Just a minute——

Mr. d'USSEAU. It is a play about a Negro veteran. We are here to discuss books. We are here to discuss books.

Senator McCARTHY. I was not at the executive session this morning, but I understand you have a witness here who thinks he can run this committee. We will teach him now he cannot.

Officer, I want you to stand by and I may want this man removed.

You will answer the questions. When you start giving us any speeches, I will ask the committee to hold you in contempt.

Mr. d'USSEAU. Are we here to discuss books?

Senator McCARTHY. We are here to have you answer the questions. Do you understand that? You will answer counsel's questions.

I may say, after you have answered the questions you will be given an opportunity to make any statement you want to on one condition, and that is that you either tell us that you are or are not a Communist. We do not allow people who come here and refuse to say whether they are Communists on the grounds that it would incriminate them, to use this committee as a transmission belt. You will now answer the questions that counsel asks you.

Mr. COHN. Is that work in use, has it been purchased by the old team in the State Department? Is it in use in overseas foreign centers?

Mr. SCHINE. According to our information, it is, from the State Department.

Mr. COHN. Doctor?

Mr. MATTHEWS. Mr. d'Usseau, are you a member of the Communist Party?

Mr. d'USSEAU. I refuse to answer that on the basis of the fifth amendment.

Mr. MATTHEWS. On the ground that your answer, if truthful, would tend to incriminate you?

Mr. d'USSEAU. Might tend to incriminate me, yes.

Mr. MATTHEWS. When you wrote the play as coauthor of Deep Are the Roots, were you a member of the Communist Party?

Mr. d'USSEAU. I refuse to answer that on the basis of the fifth amendment.

Mr. MATTHEWS. Was your coauthor, the late James Gow, a member of the Communist Party?

Mr. d'USSEAU. I refuse to answer that on the basis of the fifth amendment.

Senator McCARTHY. May I interrupt and say to the witness if you object to having flash pictures taken when you are testifying, if they bother you, they will not be taken while you are testifying.

Mr. d'USSEAU. I have nothing to hide. I don't mind.

Senator McCARTHY. All right, you may continue.

Mr. MATTHEWS. Will you please spell your full name?

Mr. d'USSEAU. A-r-n-a-u-d d'U-s-s-e-a-u.

Mr. MATTHEWS. Mr. d'Usseau, have you ever contributed to the Communist Party?

Mr. d'USSEAU. I refuse to answer that on the basis of the fifth amendment.

Mr. MATTHEWS. Did you receive royalties for your play, *Deep Are the Roots*?

Mr. d'USSEAU. Would you please rephrase that question?

Mr. MATTHEWS. Did you receive royalties for your play *Deep Are the Roots*?

Mr. d'USSEAU. Naturally I received royalties. I am a professional writer.

Mr. MATTHEWS. Did you contribute any portion of those royalties to the Communist Party?

Mr. d'USSEAU. I refuse to answer that on the basis of the fifth amendment.

Mr. MATTHEWS. Have you been identified in sworn testimony—

Senator McCARTHY. Mr. Matthews, may I suggest when the witness says on the basis of the fifth amendment, that may not mean too much to a great number of people. I think it should be made clear that he is refusing to answer on the ground that if he told the truth, a truthful answer might tend to incriminate him.

Mr. d'USSEAU. This is the Senator's interpretation of the fifth amendment. My interpretation is that it is in the Constitution and it was put there as all the other amendments were, to protect me.

Senator McCARTHY. Let me ask you the question: Do you feel that if you gave a truthful answer to Mr. Matthews' question that that truthful answer might tend to incriminate you?

Mr. d'USSEAU. Senator, your use of the words and mine are entirely different. I will use the phrase "I refuse to answer on the basis of the fifth amendment on the basis that it would tend to incriminate me."

Senator McCARTHY. I am going to ask the question over: Counsel has just asked you a question, and you refused to answer. You are entitled to refuse if you feel that a truthful answer—I will suggest you listen to this, as it may concern some of your time. As I started to say, counsel has asked you a question; you refused to answer that question. You are entitled to refuse to answer if you feel that a truthful answer to that question might tend to incriminate you. You are not entitled to refuse if perjury would incriminate you. Therefore, before we can determine whether or not you have the right to refuse under the fifth amendment, I must ask you the simple question, Do you feel that a truthful answer to Dr. Matthews' question might

tend to incriminate you? And you are ordered to answer that question.

Mr. D'USSEAU. A point of clarification, Senator. Is the word "truthful" in the fifth amendment to the Constitution?

Senator McCARTHY. I am asking the questions now. You will answer that question.

Mr. D'USSEAU. I refuse to answer on the basis of the fifth amendment.

Senator McCARTHY. You are ordered to answer.

Mr. D'USSEAU. On the basis that it might tend to incriminate me.

Senator McCARTHY. You are ordered to answer whether or not you feel that a truthful answer would tend to incriminate you.

Mr. D'USSEAU. I refuse to answer on the basis of the fifth amendment, on the basis that it might tend to incriminate me.

Senator McCARTHY. Well, just so we have the record clear now, because we want to submit this to the committee, will you ask your question again, Doctor, any one of the questions you asked, whether he is a Communist today, whether he was a Communist at the time he wrote the book, whether his coauthor was a Communist. It makes no difference.

Mr. MATTHEWS. The last question was, Was the late James Gow, your coauthor, a member of the Communist Party?

(The witness consulted with his counsel.)

Mr. D'USSEAU. I refuse to answer that on the basis that a truthful answer might tend to incriminate me.

Senator McCARTHY. You are entitled to that privilege, then.

Mr. MATTHEWS. At the time you were writing Deep Are the Roots, did you consult with any Communist Party leaders concerning the manuscript?

Mr. D'USSEAU. I refuse to answer that on the basis of the fifth amendment. Any truthful answer might tend to incriminate me.

Mr. MATTHEWS. Mr. d'Usseau, have you ever engaged in sabotage?

Mr. D'USSEAU. No. Have you?

Mr. MATTHEWS. Have you ever engaged in espionage?

Mr. D'USSEAU. No. Have you?

Senator McCARTHY. Now, we will have no more of that. You will answer the questions.

Mr. D'USSEAU. I answered them.

Senator McCARTHY. All right. We will have no more of that.

Counsel, if you want to advise your client, you may.

(The witness consulted with his counsel.)

Senator McCARTHY. There are just 1 or 2 other questions. Do you believe the Communist form of government is superior to ours?

Mr. D'USSEAU. Now we are in the realm of opinion, am I correct?

Senator McCARTHY. We want you to answer that question. You see, your books have been purchased by the—

Mr. D'USSEAU. You are not interested in my books. If you are interested in my books, you would discuss them.

Senator McCARTHY. Please do not interrupt me. You see, when the old State Department, I would like to distinguish the old and the new, purchased your books, and distributed them in libraries throughout the world, the American people were told their money was being spent for the purpose of fighting communism, for the purpose of

showing in its true light the American way of life. Therefore, this committee is checking into the question of whether or not those authors were Communists, whether at the time they wrote those books they believed our form of government should be destroyed, whether they felt that the Communist form of government is better, whether they were giving their money, received from royalties, to further the Communist conspiracy. For that reason you are being asked those questions. If you are merely an author writing, if you are merely a Communist author——

Mr. D'USSEAU. Don't use the word "merely"; that is insulting. Author, that is enough.

Senator McCARTHY. If you are merely a Communist author writing, selling his works to the American people, or selling them to people throughout the world, we would not be concerned with you. We would not call you here. The reason you are called is because the American people have been buying your works. Therefore, the question: At the time you wrote this book did you feel that the Communist form of government was superior to ours?

Mr. D'USSEAU. Senator, you are under several misapprehensions: One is that I am not a taxpayer. I am a taxpayer. I am an American citizen. So, don't make that separation. I think it was perfectly justified for the overseas libraries to put my books on their shelves if they so chose. My plays are extremely popular. They are played all over the world. They have had very successful runs in this country.

Senator McCARTHY. You will answer the question: At the time you wrote the book, which was purchased by the old State Department and placed in our information shelves, did you then feel that the Communists were advocating a form of government superior to ours?

Mr. D'ESSEAU. Senator, I can't answer that question. First of all, it wasn't a book; it was a play.

Senator McCARTHY. All right.

Mr. D'USSEAU. Let's get things straight, please.

Senator McCARTHY. All right; at the time you wrote the play. Now can you answer?

Mr. D'USSEAU. If you wanted to debate this on television, I will be glad to at any time. But this is your ballpark with your ground rules, and I see no reason why I should go into a question of opinion with you, where you have everything established in your favor. I don't do you the discourtesy of merely calling you a Senator. If you want to discuss this on the television, or will you run the way you did with those children in New York 2 or 3 months ago. There the station would be equal.

Senator McCARTHY. You may proceed until you are through.

Mr. D'USSEAU. I have made my point.

Senator McCARTHY. All right; now answer the question.

Mr. D'USSEAU. Would you please state it again? You have stated so many questions I am confused.

Senator McCARTHY. Mr. Reporter, will you have difficulty finding the question?

I will restate it. At the time you wrote this play or book—whatever it is——

Mr. D'USSEAU. It is a play.

Senator McCARTHY (continuing). Did you feel that the Communists were advocating a form of government superior to ours?

Mr. D'USSEAU. When I wrote this play the Soviet Union and America were friends. I believe they will be friends again, but not until the ideas that you represent are out of the way. My only feeling in regard to the Soviet Union, which I assume you are talking about, is that every effort should be made for this country and that country to be friends. This has always been my position in regard to the Soviet Union.

Senator McCARTHY. Now, answer the question.

Mr. D'USSEAU. Obviously I do not understand it. Perhaps my definition of the word "communism" and what you mean by it are entirely different things. I have told you what I feel about communism. It isn't a question of superiority of one country over another. It is a question of every country getting together as they once did.

Senator McCARTHY. You are ordered to answer the question.

Mr. D'USSEAU. Why don't you ask me when I stopped beating my wife?

Senator McCARTHY. You are ordered to answer the question. I do not know that you have been beating your wife.

(The witness consulted with his counsel.)

Mr. D'USSEAU. You see, Senator, here we are in the realm of definitions. Webster gives one definition of communism; you have another; there is undoubtedly a third and a fourth.

Senator McCARTHY. We will use your definition. Using your definition, answer the question.

Mr. D'USSEAU. All right. I will tell you what my definition is.

Senator McCARTHY. I am not asking for your definition.

Mr. D'USSEAU. It is important. You want my answer.

Senator McCARTHY. I am saying keep in mind your definition. The question is: At the time you wrote the book, did you feel that communism, using your own definition—

Mr. D'USSEAU. How do you know what my definition is unless you hear it?

Senator McCARTHY. I am a very patient man.

Mr. D'USSEAU. So am I.

Senator McCARTHY. You keep on interrupting me and that patience will come to an end. So, we will ask you now not to interrupt me while I am asking you a question. I have seen those tactics used in Judge Medina's court. I have seen them used by Communists all over the land. You are not going to use them in this committee.

I am going to ask you a question, and you will be quiet until I finish the question. Using your definition of communism, did you feel at the time you wrote this book or play—call it what you may—that the Communists were advocating a system or form of government superior to ours?

Mr. D'USSEAU. Communism is a philosophy advocating the more equitable distribution of the wealth, a doing away with racial segregation, a striving for the betterment of mankind. This antedates Marx or any of the current thinkers. It is a basic philosophy just as the Christian philosophy is a basic philosophy. I think that the Communist philosophy has many good features in it.

Senator McCARTHY. Any bad features?

Mr. D'USSEAU. I am answering your question. Please do not interrupt me, Senator.

Senator McCARTHY. Any bad features?

Mr. d'USSEAU. I think it has many good features in it, and I think we would do well to adopt them. On this question of—

Senator McCARTHY. You thought we would do well to adopt them?

Mr. d'USSEAU. Some of the features of communism are very good. For instance, on the question of racial segregation.

Senator McCARTHY. I am going to insist that you answer the question.

Mr. d'USSEAU. I have answered it.

Senator McCARTHY. Mr. Reporter, will you read the question to the witness and the witness will answer. We have a lot of time before we leave here. You will answer the question.

(The reporter read from his notes as requested.)

Mr. d'USSEAU. All right. Now I have tried to give you my definition of what I consider communism to be.

Senator McCARTHY. I am not asking for your definition of communism. I am asking for an answer to that question. For the benefit—the people may wonder about that bell. That is a Senate quorum call. Where is Mrs. Watt? Do we have permission to sit while the Senate is in session?

Now, you will answer the question.

Mr. d'USSEAU. I have tried to answer it, Senator. Maybe I can answer it this way—

Senator McCARTHY. You can answer it "yes" or "no," whether you think they were advocating a system of government superior to ours, or you think they were not. It is not a difficult question.

Mr. d'USSEAU. Maybe you can clarify it for me.

Senator McCARTHY. You will try very hard, will you, to wait until I finish my question? You were on the payroll, indirectly, of our Government, you see, when they were buying your books.

Mr. d'USSEAU. I don't get that.

Senator McCARTHY. The question is, at that time, at the time you wrote this book, did you feel that the Communists were advocating a form or system of government superior to ours? It is not a difficult question. If you think they were, you should not be ashamed to say so. If you think they were not, you can tell us they were not. I often wonder why you Communists come before us and you haven't got the guts to say you are Communists.

Mr. d'USSEAU. How can you talk about guts when you run out on some children out there on a radio program? You are a man shooting fish in a barrel.

Senator McCARTHY. The next time you interrupt—I started to say, I often wonder why you Communists come before this committee and you do not have the guts to say that you are Communists. If you believe in communism you should have enough courage to say so. If you feel that the Communists were advocating a system of government superior to ours at the time you were writing for our Government, you can very simply say "yes." If you think they were not, you can say "no."

Mr. d'USSEAU. If to believe in the possibilities of peace, if to believe in the rights of the poor over the privileges of the rich, if to be against racial discrimination is communism, then I most certainly think it is superior.

Senator McCARTHY. You think communism is superior?

Mr. d'USSEAU. I have given you my definition. Don't separate it now.

Senator McCARTHY. You think, using your definition, you think communism is superior?

Mr. d'USSEAU. My definition; yes. Not yours, mine.

Senator McCARTHY. Did you feel that way at the time you wrote this book, which our Government purchased and distributed throughout the world?

Mr. d'USSEAU. For 18 years I have believed in the theories of socialism as expounded by Shaw, Tawney, deWebbs, by certain French and Russian writers. I think socialism will follow capitalism as a stage in history. This has been my conviction for 18 years.

Senator McCARTHY. I have asked you a very simple question. You said you thought communism, using your definition, is superior to what we have here. The question is, did you feel that way at the time you wrote this play or book which was purchased by our old State Department and distributed throughout the world? Did you feel that way then, or has your feeling changed?

Mr. d'USSEAU. I have given you my definition of what communism is.

(The witness consulted with his counsel.)

Mr. d'USSEAU. I don't see any point in going further, so I am going to decline to answer that on the basis of the fifth amendment; a truthful answer might tend to incriminate me.

Senator McCARTHY. You say, then, that as of today you feel that communism is superior to what we have, but you say if you told us whether you felt the same way when you wrote the book it might tend to incriminate you? Under the circumstances, you will be ordered to answer.

Mr. d'USSEAU. I thought I just did answer.

Senator McCARTHY. For the benefit of counsel, the witness has stated, and Senator Symington, may I say the witness has just stated that under his definition of communism he feels that their system is superior to ours. I asked him whether he felt that way at the time he wrote the book. He said he would refuse to answer on the ground the answer might incriminate him. Under the circumstances he cannot avail himself of the fifth amendment because if the answer would not incriminate him as of today it could not incriminate him as of the time he wrote the book. Therefore, he is ordered to answer the simple question of whether or not he felt that, at the time he wrote this book or play that communism, using his own idea of what communism is, is superior to what we have in this country. You are ordered to answer that question. I may say to counsel if you do not, I will ask the Senate to cite the witness for contempt.

Mr. FRANCE. Senator, may I ask that the portion of the answer which says which you say was said may be read back?

Senator McCARTHY. You certainly may have any answer read back. Which one do you want read back?

Mr. FRANCE. I did not hear the witness say that he believed that communism was superior to our form of government. I would like to have what you thought he said read back.

Senator McCARTHY. In order to intelligently advise your client, you certainly may have read back to you any question. Counsel has

in mind the answer in which the witness gave a eulogy on communism with regard to racial discrimination and said it is superior to what we have. See if you can find that question.

(The reporter read from his notes as requested.)

Senator McCARTHY. Was that your definition of communism?

Mr. D'USSEAU. Yes; that is my definition.

Senator McCARTHY. And you stated that you think your definition is superior to what we have?

Mr. D'USSEAU. Maybe this would put it a little clearer. I think that we have certain things which are superior. I think that the Communists have certain things which are superior. In my opinion, if we could get together and try to and use the best of both, it would be the best thing that could happen to this country and in the world.

Senator McCARTHY. Now, you told us how you feel as of today. The simple question I asked you was did you feel the same way at the time you wrote this play or book which our old State Department purchased.

Mr. D'USSEAU. Not quite.

Senator McCARTHY. Did you feel then, using your definition as you gave it to us—

Mr. D'USSEAU. Not quite.

Senator McCARTHY. Let me finish, please. Did you feel then, using your own definition of what you think communism is, that at that time it was superior to what we have here?

Mr. D'USSEAU. Not quite, because then the Soviet Union and the United States were allies, we were exchanging information, we were helping each other, and I felt we were on a road that would lead to harmony and understanding and there would be exchange of ideas that would benefit both countries.

Senator McCARTHY. Do you believe that the Communists advocate the overthrow of this Government, the establishment of a Communist regime, by force and violence?

(The witness consulted with his counsel.)

Mr. D'USSEAU. No, I don't believe that.

Senator McCARTHY. You do not believe that.

You would disagree with any alleged claim that the Communists advocate the overthrow of this Government by force and violence?

(The witness consulted with his counsel.)

Mr. FRANCE. The witness would like to have you repeat the question, Senator.

Senator McCARTHY. Will the reporter read the question.

(The reporter read from his notes as requested.)

Mr. D'USSEAU. Yes, I would disagree with that.

Senator McCARTHY. And if the Communists advocate the overthrow of this Government by force and violence, would you be against communism?

Mr. D'USSEAU. Now you are popping theoretical questions at me.

Senator McCARTHY. It is a simple question. If you found today, this afternoon, that the Communists do advocate the overthrow of this Government by force and violence, would you repudiate communism?

Mr. D'USSEAU. It seems to me to follow from the former answers that naturally I would.

Senator McCARTHY. Well, the question is, Would you or would you not?

Mr. d'USSEAU. Naturally I would.

Senator McCARTHY. In other words, if you were to find the Communists advocate the overthrow of this Government by force and violence, your answer is you would repudiate communism?

Mr. d'USSEAU. Of course. But this is a silly question. It is theoretical. It is in your imagination. I mean, I don't know why I should be—

Senator McCARTHY. Can you tell us anything bad about communism?

Mr. d'USSEAU. I can tell you a lot bad about communism.

Senator McCARTHY. Good, tell us something bad about it.

Mr. d'USSEAU. I think it is a great pity that they have not been able to carry out their own aims much more successfully than they have. I think it is too bad they had made the number of mistakes they have. However, I view it with a fairly tolerant eye, because they are human, and I know they are capable of mistakes.

Senator McCARTHY. You say it is bad because they have not been able to carry out their aims. Can you find anything bad about their aims?

Mr. d'USSEAU. When I said not able to carry out their aims, I think they want more of the world's wealth for everybody. I think it was too bad.

Senator McCARTHY. Tell us something bad about their aims, if you can. Can you tell us anything bad about their aims?

Mr. d'USSEAU. Do you think to believe in peace is a bad aim? I don't. Do you think—

Senator McCARTHY. The question is can you tell us anything bad about their aims?

Senator SYMINGTON. Do you believe that the Communists were the aggressors in Korea, or do you believe that the United Nations were the aggressors in Korea?

Mr. d'USSEAU. I believe Syngman Rhee, the gentleman we are now having so much trouble with in Korea, and he pulled the United Nations along with him.

Senator SYMINGTON. In other words, you think the South Koreans attacked the North Koreans?

Mr. d'USSEAU. That is my feeling, yes.

Senator SYMINGTON. Thank you.

Senator McCARTHY. Just one further question: You have not yet told us whether or not you think there is anything bad about the Communist aims. Can you think of anything bad about the Communist aims?

Mr. d'USSEAU. No, I can't think of anything bad, no.

Senator McCARTHY. Any questions, Dr. Matthews?

Mr. MATTHEWS. Have you ever written articles for the New Masses?

Mr. d'USSEAU. I refuse to answer that on the basis that it might tend to incriminate me.

Mr. MATTHEWS. Have you ever written articles for a Communist publication known as Masses and Main Stream?

Mr. d'USSEAU. I refuse to answer that on the basis of it might tend to incriminate me.

Senator McCARTHY. You may step down.

May I say, in view of this attack upon Syngman Rhee, that I think Syngman Rhee is one of the greatest patriots of all times. I think he is doing a tremendous job to protect the rights of his country. I think Syngman Rhee is absolutely right. Your next witness, Mr. Counsel.

Mr. COHN. Mrs. Robeson.

TESTIMONY OF ESLANDA CARDOZA GOODE ROBESON, ACCOMPANIED BY MILTON H. FRIEDMAN, NEW YORK, N. Y.—Resumed

Senator McCARTHY. Mrs. Robeson, you are reminded that you are still under oath. Counsel will proceed.

Mr. COHN. May we have your full name?

Mrs. ROBESON. Eslanda Cardozo Goode Robeson.

Mr. COHN. You are Mrs. Paul Robeson; is that correct?

Mrs. ROBESON. Yes, and very proud of it, too.

Mr. COHN. Are you the author of various books?

Mrs. ROBESON. Yes.

Mr. COHN. And are you the author of African Journey?

Mrs. ROBESON. Yes.

Mr. COHN. And are you the author of a biography of Mr. Robeson?

Mrs. ROBESON. Yes.

Mr. COHN. Are both of those books in use in the overseas information centers?

Mr. SCHINE. According to information we received from the State Department they are, purchased by the old team.

Mr. MATTHEWS. Mrs. Robeson, are you a member of the Communist Party?

(The witness consulted with her counsel.)

Mrs. ROBESON. Under the protection afforded me by the 5th amendment and the 15th amendment, I refuse to answer that question.

Senator McCARTHY. By the 15th amendment?

Mrs. ROBESON. Yes, the 5th and 15th. I claim the 15th as a Negro.

Senator McCARTHY. Let us see if the 15th amendment could possibly apply. Let me read it to you:

Amendment 15: The right of citizens of the United States to vote shall not be denied or abridged by the United States or any State on account of race, color, or previous condition of servitude.

This solely deals with your right to vote. You cannot refuse to answer questions about a conspiracy to destroy this Nation because you have the right to vote. May I say that we have had witnesses come before us previously and they try to make capital of their race or creed. Before this committee we do not have Negroes or whites. We do not have Catholics, Protestants, or Jews. We have American citizens. They all have the same rights and you have no special right because of your race. You will be given no less consideration because of your race. You wrote books which our Government purchased and distributed throughout the world, allegedly to fight communism, and to explain the American way of life. For that reason, we want to know whether or not you are a member of the Communist conspiracy. We do not care about your rights. The 15th amendment has nothing to do with this. You can only refuse to answer if you feel that an honest, truthful answer might tend to incriminate you. If you so feel,

under our Constitution you can refuse to answer. I may say, Mrs. Robeson, if you or your husband were in Russia, and you were asked over there whether you were committing espionage against the United States, you would have no privilege under the 5th amendment. Now you will answer the question, unless you feel the question might tend to incriminate you.

Mrs. ROBESON. I don't quite understand your statement that we are all American citizens. I have been fighting for this for all my 56 years. I am a second-class citizen now, as a Negro. That is the reason I always claim this. I would be very happy if we didn't have to discuss race, and I hope we will at some point get to a place where we don't have to. But in the meantime you are white and I am Negro, and this is a very white committee, and I feel I must sort of protect myself. I am sorry it is necessary.

Senator McCARTHY. The only person that has been discussing race today is yourself. You say you are "a second-class citizen." I say every Communist in this country is and should be considered a second-class citizen.

Mrs. ROBESON. The Negro people are really second class.

Senator McCARTHY. Are you a Communist as of today?

Mrs. ROBESON. Under the protection of the 5th and, as I said, the 15th, because I am a Negro, I refuse to answer the question.

Senator McCARTHY. I will ask you the question: Do you feel, if you told us the truth today under oath as to whether you are a Communist at this moment, that that answer might tend to incriminate you?

Mrs. ROBESON. I would never tell you anything but a truthful answer.

Senator McCARTHY. You can spend all the time you like. We are going to get your answer.

Mrs. ROBESON. I do object to this truthful answer. I am under oath, and I would not tell a lie, not under any circumstances. So, if you would leave out the truthful, I can answer it very simply.

Senator McCARTHY. We cannot leave out the truthful answer. If you were to give us a perjurious answer, if that would incriminate you, you would not be entitled to the protection of the fifth amendment. It is a very important protection that you and everyone else has. I am asking you the simple question: Do you feel, if you gave us an honest, truthful answer as to whether you are a Communist today, that that honest, truthful answer would tend to incriminate you?

Mrs. ROBESON. Might tend to incriminate me.

Senator McCARTHY. All right; you are entitled to the privilege, then.

Mr. MATTHEWS. Mrs. Robeson, at the time you wrote your book, the African Journey, were you a member of the Communist Party?

Mrs. ROBESON. I wrote African Journey under a period of roughly about 10 years. The question is: Was I a member of the Communist Party?

Mr. MATTHEWS. Yes; were you a member of the Communist Party at the time you wrote the book?

Mrs. ROBESON. Under the protection of the fifth amendment, I refuse to answer that question.

Mr. MATTHEWS. Did you receive royalties for the books?

Mrs. ROBESON. Yes.

Mr. MATTHEWS. Did you contribute any portion of those royalties to the Communist Party?

Mrs. ROBESON. I used them all to go to Africa for a second journey; all of them.

Mr. MATTHEWS. Will you please answer the question?

Mrs. ROBESON. No.

Mr. MATTHEWS. Did you contribute any portion——

Mrs. ROBESON. I beg your pardon. I was answering the question. No; I used them all. I remember distinctly I used them all to go to Africa.

Mr. MATTHEWS. You wrote a biography of your husband, Paul Robeson, did you not?

Mrs. ROBESON. In 1930.

Mr. MATTHEWS. Were you a member of the Communist Party at the time you wrote that book?

Mrs. ROBESON. Under the protection of the fifth amendment, I refuse to answer.

Senator McCARTHY. May I interrupt, Dr. Matthews, and ask Mr. Schine: Has it been established that Mrs. Robeson's books have been purchased and are on the shelves of our information libraries throughout the world?

Mr. SCHINE. That has been established according to information we have received from the State Department, Mr. Chairman.

Senator McCARTHY. Pardon me, Doctor.

Mr. MATTHEWS. Mrs. Robeson, in your book *The African Journey*, did you say that the one hopeful light on the horizon is the exciting and encouraging condition in Soviet Russia?

Mrs. ROBESON. You would have to read it to me. It was written over a period of 10 years and published in 1945, and this is 1953.

Mr. MATTHEWS. That is 8 years ago.

Mrs. ROBESON. If you could read it to me——

Mr. MATTHEWS. On page 47 [reading]:

And the one hopeful light on the horizon, the exciting and encouraging conditions in Soviet Russia.

Mrs. ROBESON. Could you tell me what went before?

Mr. MATTHEWS. That is the beginning of the paragraph.

Mrs. ROBESON. Yes, but I——

Mr. MATTHEWS. The statement before says:

The complacency of the Europeans and the ever-growing ineffectualities of the League of Nations.

There is no verb in the sentence. I am reading it as printed.

Mrs. ROBESON. Is that the end of the sentence?

Mr. MATTHEWS. Yes. And the next sentence is the one I read.

Mrs. ROBESON. I better look at it.

Mr. MATTHEWS. Was that your feeling?

Mrs. ROBESON. If I wrote it in the book, that was definitely my feeling. I have never written anything I did not feel, never.

Senator McCARTHY. If the witness wants to look at the book——

Mr. MATTHEWS. Have you spent some time in the Soviet Union?

Mrs. ROBESON. Yes; I spent 12 years in England and 2 years, in small periods, in the Soviet Union.

Mr. MATTHEWS. What years were you in the Soviet Union?

Mrs. ROBESON. Well, it was off and on. I don't remember exactly when, but we went for a concert tour, and then we went for a holiday, and I don't remember exactly when it was, but I could probably look them up. It is a matter of record somewhere.

Mr. MATTHEWS. Did you and your husband publicly state that you wanted your son educated in the Soviet Union?

Mrs. ROBESON. I would have to think of this in context. I know we have always wanted for our son the best education, everywhere in the world, we could get for him. We had some of it in England; we had most of it here in America. He had a little over a year, I think, in the Soviet Union, of his 27 years.

Mr. MATTHEWS. Did you or your husband, either or both, ever take out Soviet citizenship?

Mrs. ROBESON. Never.

Mr. MATTHEWS. Did your husband express the sentiment that, as for him and you and your son, the Soviet Union was the land of the future?

Mrs. ROBESON. This I don't know. I am sorry. You know there are so many things that have happened; I have no idea. I would have to have a record of whatever it was he said.

Mr. MATTHEWS. Have you written any articles for the Communist press?

Mrs. ROBESON. I have written hundreds of articles for all kinds of publications.

Mr. MATTHEWS. Including some that were Communist?

(The witness consulted with her counsel.)

Mrs. ROBESON. I don't know what is the Communist press.

Mr. MATTHEWS. Well, the Daily Worker, for example.

(The witness consulted with her counsel.)

Mrs. ROBESON. Under the protection of the fifth amendment, I refuse to answer that.

Mr. MATTHEWS. On the grounds that a truthful answer might tend to incriminate you?

Mrs. ROBESON. Not truthful, as I say I couldn't answer anything but truthful. So just take that for granted. It worries me to hear truthful. I would not say anything that isn't truthful under oath, or, as a matter of fact, any other time.

Mr. MATTHEWS. Have you participated in what is known as the American Peace Crusade?

Mrs. ROBESON. So far as I know, I have participated in every possible business for peace anywhere I found it.

Mr. MATTHEWS. In this particular organization, the American Peace Crusade—

(The witness consulted with her counsel.)

Mrs. ROBESON. Everything that has been for peace, I participated in.

Mr. MATTHEWS. Do you recall specifically whether or not you have participated—

Mrs. ROBESON. No, I don't recall specifically, but if it says peace I probably have taken part in it, yes.

Mr. MATTHEWS. Have you participated in the work of the Civil Rights Congress?

Mrs. ROBESON. Well, I made a speech in Detroit a few weeks ago against McCarthyism that was done by the Civil Rights Congress.

Mr. MATTHEWS. Under the auspices of the Civil Rights Congress?

Mrs. ROBESON. Yes.

Mr. MATTHEWS. Is it your understanding that that is a Communist organization?

Mrs. ROBESON. No.

Mr. MATTHEWS. When you made the speech in Detroit under the auspices of the Civil Rights Congress, were you a member of the Communist Party?

Mrs. ROBESON. Under the protection of the 5th and 15th amendment, I will not answer.

Senator McCARTHY. I missed the witness' answer. She made a speech on the what?

Mr. MATTHEWS. She made a speech on McCarthyism in Detroit under the auspices of the Civil Rights Congress. She did not say whether she was for it or against it.

Mrs. ROBESON. I will give you two guesses.

Senator SYMINGTON. Mrs. Robeson, I would like to ask you a couple of questions, if I may. You said that you consider yourself a second-class citizen of the United States?

Mrs. ROBESON. My experience has been, as a Negro, that I am a second-class citizen in the United States, much against my will, and all my life I have worked to become a first-class citizen.

Senator SYMINGTON. You said the committee, as I remember your phrase, was very white.

Mrs. ROBESON. Yes.

Senator SYMINGTON. Do you not think there are some people who are working to help Negroes become more first-class citizens than second-class citizens?

Mrs. ROBESON. I believe there definitely are, I know there are, and I wish that the work could be more effective and a little faster, because I am getting older now.

Senator SYMINGTON. I think you have been a very intelligent witness, and I do not think that anybody should imply, and I am sure nobody does imply, that because you were interested in peace that automatically made you a subversive.

Mrs. ROBESON. I hope not.

Senator SYMINGTON. But I would like to ask this question. Would you be more willing to answer questions with respect to communism and the possibility of your being a Communist, if you were more satisfied with your position in this country as a Negro?

Mrs. ROBESON. I think that if I were a first-class citizen, really knew I was, I would be then free of a lot of inhibitions and protective things that I feel I must do for myself because I have had to do them all my life. I feel that I would be much freer to say things, do things, think things, and be things. I do, sir.

Senator McCARTHY. May I interrupt, Senator Symington? If that is the ground upon which you refuse to answer, you will be ordered to answer.

Mrs. ROBESON. That is not the ground, sir.

Senator SYMINGTON. May I proceed, Mr. Chairman?

Senator McCARTHY. Yes, certainly.

Senator SYMINGTON. You emphasized, and I thought very creditably, that you wanted to answer the questions truthfully and therefore you did not like the word "truthful" even in the question.

Mrs. ROBESON. I only answer questions truthfully, under oath and even in ordinary life, because I found it is too much of a nuisance to remember lies and so on that I wouldn't be bothered with it. I really wouldn't. This is absolutely sincere, sir.

Senator SYMINGTON. Then naturally the committee has a right to feel, and I am only trying to be constructive in the question, that the reason you refuse to answer whether or not you are a Communist means that there is a good chance you are a Communist. What I am trying to get at is the reason that you feel the way you apparently do toward communism is because of your belief that your race has not had a fair deal in the United States.

Mrs. ROBESON. No, that is not it at all, sir. The reason I refuse to answer the question is because I think that it is possible if I say something here—in the first place, I think my opinions are my private personal affair, and I really do not think anybody has the right to ask me. I do not think you have the right to ask me if I am living in sin, or what do I think or what do I feel and so on. I will come to the point now.

Senator SYMINGTON. But as a Congress we have a right to ask you whether you are dedicated to an organization which in turn is dedicated to overthrowing the American Government by force and violence, have we not?

Mrs. ROBESON. Apparently.

Senator SYMINGTON. Isn't that a proper function of the Congress, to try to find out who is a traitor and who is not a traitor?

Mrs. ROBESON. I think so, definitely, to try to find out who is a traitor and who is not a traitor, yes. You are entirely losing time if you are talking to me about being a traitor, because I am a very loyal American.

Senator SYMINGTON. Do you not think anybody that says that they are a loyal American and who is dedicated to overthrow the Government by force and violence is pretty close to a traitor?

Mrs. ROBESON. I don't know anybody that is dedicated to overthrowing the Government by force and violence. The only force and violence I know is what I have experienced and seen in this country and it has not been by Communists.

Senator SYMINGTON. In other words, you do not think the Communist Party is dedicated to overthrowing the United States Government by force and violence?

Mrs. ROBESON. I do not know that they are, and as far as an opinion is concerned, I don't think they are. I have never seen any proof whatsoever that they are, I have never heard of any circumstance where they have used force and violence, so I don't know. I wouldn't think so, if I had to offer an opinion.

Senator SYMINGTON. No further questions.

Senator McCARTHY. You said you had no reason to believe that they are dedicated to the overthrow of this Government by force and violence. Let me ask you this question: Did you ever attend a Communist meeting at which there was discussed the wisdom or the necessity of overthrowing the Government by force and violence?

(The witness consulted with her counsel.)

Mrs. ROBESON. I beg your pardon.

May I have the question again, sir?

Senator McCARTHY. You want the question repeated?

Mrs. ROBESON. Yes.

Senator McCARTHY. Rather than impose upon the reporter to find the notes, I will ask you: I understood you to say to Senator Symington that you had no reason to believe that Communists were dedicated to the overthrow of this Government by force and violence.

Mrs. ROBESON. Yes, sir.

Senator McCARTHY. My question now is, Did you ever attend a Communist cell meeting at which officials of the Communist Party discussed the wisdom or the necessity of overthrowing our form of government by force and violence?

Mrs. ROBESON. I never heard anybody discuss overthrowing the Government by force and violence, anywhere, under any circumstances, so far as I can now remember.

Senator McCARTHY. And that would include any Communist meeting or any other meeting?

Mrs. ROBESON. Any meeting at all.

Senator McCARTHY. Have you attended Communist cell meetings at which there was discussed either espionage or sabotage?

Mrs. ROBESON. Well, I don't know, sir, what a Communist cell is. Could you explain that to me?

Senator McCARTHY. Do you know what a Communist cell is?

Mrs. ROBESON. No, I don't.

Senator McCARTHY. Do you belong to a Communist cell?

Mrs. ROBESON. I don't know what it is. How can I tell whether I belong to it or not.

Senator McCARTHY. Do you know whether you belong to one or not? If you do not know whether you belong to one or not, you can just tell us.

Mrs. ROBESON. I don't know what it is, so I don't know.

Senator McCARTHY. Let us use the word "unit," then.

Mrs. ROBESON. I beg your pardon.

Senator McCARTHY. Let us use the word "unit" instead of "cell." Do you belong to a Communist unit?

Mrs. ROBESON. I don't know what a unit is. These are technical questions I don't understand.

Senator McCARTHY. Do you belong to a unit of the Communist Party?

(The witness consulted with her counsel.)

Senator SYMINGTON. Could I ask one more question?

Senator McCARTHY. Could I have an answer to this one first. Will you answer it?

Mrs. ROBESON. I don't know what a cell is. I don't know what a unit is. So far as I know, no, I have never attended anything at all which I would understand to be official or unofficial.

Senator McCARTHY. Have you ever attended a meeting of the Communist Party?

Mrs. ROBESON. Under the protection of the fifth amendment, I refuse to answer this.

Senator McCARTHY. May I say, Mrs. Robeson, you have been discussing the fact that you claim to be a second-class citizen. Today you are getting special consideration which you perhaps should not get, I don't know. You have testified that you do not believe the

Communists are dedicated to the overthrow of this Government by force and violence. Under the circumstances it would not be a crime for you to belong to the Communist Party. The Smith Act only makes it a crime if you are conscious of the fact that the Communist Party is dedicated to the overthrow of this Government by force and violence. Therefore, when you say you think they are not, under our laws, you are not entitled to avail yourself of the privilege of the fifth amendment, because under our laws you would not be guilty of a crime, if you were a Communist.

I am not going to order you to answer those questions and cite you for contempt. I may say that the first man who comes up before the committee and follows the same line will be ordered to answer whether he is a Communist. If he refuses, I will ask the committee to cite him for contempt. I just want you to know that you are getting special consideration today.

Mrs. ROBESON. Thank you. You wanted to ask a question, Senator?

Senator SYMINGTON. Yes. I think I would like to ask whether or not you do not answer the question, whether or not you are a Communist today, Mrs. Robeson, is because you think it might incriminate you, or whether you do not answer it because you do not think the Congress has the right to ask you.

Mrs. ROBESON. Well, certainly so far as I know, this may be a technical point, so far as I know, nobody has a right to ask me this question. Now, there may be technical reasons which I don't know about, which give people the right. So that is my understanding of it.

Mr. MATTHEWS. Mrs. Robeson, did you hear the previous witness' testimony that in his opinion South Korea was the aggressor in the present Korean war? Did you hear the witness so testify?

Mrs. ROBESON. Well, I got some impression of a discussion on the Korean war. I didn't get it quite accurately.

Mr. MATTHEWS. Well, is it your belief that South Korea was the aggressor in the present Korean war?

Mrs. ROBESON. Well, how could I know?

Mr. MATTHEWS. I asked for your belief. If you have none—

Mrs. ROBESON. I wasn't there, and I don't know who was where, when. I really don't know.

Mr. MATTHEWS. Have you ever spoken on the subject of the Korean war publicly?

Mrs. ROBESON. No, not about who started it.

Senator McCARTHY. I think that is all, Mrs. Robeson. I want to thank you.

Mr. FRIEDMAN. There is one statement Mrs. Robeson wishes to make.

Mrs. ROBESON. Yes, I didn't quite finish the answer.

Senator McCARTHY. Is the statement in answer to a question?

Mrs. ROBESON. Yes, it was.

Senator McCARTHY. You may finish your answer.

Mrs. ROBESON. It was on the right of anyone to ask me questions. I understand that certain questions, if I make certain statements, they might tend to incriminate me. Therefore, I must invoke the fifth amendment. That is the reason I have invoked it so much.

Senator McCARTHY. You have the right to invoke it.

Mrs. ROBESON. Yes. Thank you.

Senator McCARTHY. Just one further question. You made the statement that this is an all-white committee. May I say that there are no Negro Senators in the Senate of the United States.

Mrs. ROBESON. That is a pity.

Senator McCARTHY. The people have a right to elect them. If there were one here, he might or might not be on the committee.

Mrs. ROBESON. Most of the Negroes are in the South, sir, and they do not get as much right as other people.

Senator McCARTHY. I must say in that connection, do you feel that this committee has ever discriminated against your race? If so, tell us when.

Mrs. ROBESON. It isn't that I mean, when I protect myself under the 15th amendment; I mean that the pity of it is that there are not Negro Senators. That would be a good thing if there were. And I think, considering we are 10 percent of the population, that there should be. This is part of the discrimination that I worry about.

Senator McCARTHY. That, of course, is discrimination by the voters, not by this committee.

Mrs. ROBESON. No, because the voters in the South, are in another position. You see, the majority of the Negro people are in the South, and they are only just now achieving the right to vote.

Senator McCARTHY. You do not feel this committee has discriminated against your race, do you?

Mrs. ROBESON. Now?

Senator McCARTHY. At any time. Do you know of any time in the past?

Mrs. ROBESON. I don't know of any time so far.

Senator McCARTHY. May I have just one thing in closing, Mrs. Robeson: May I say you appear to be a very charming woman. You appear to be an intelligent lady. If you feel that communism can aid either the people of this country or your race, you have a right to advocate communism as long as you do not advocate the overthrow of this Government by force and violence. You can advocate a socialistic system or a Marxian system. I often wonder why people like yourself, who apparently feel that communism is the answer to the ills that beset your race or the world, why they do not come up here before this committee and say, "Yes, I am a Communist. I believe in communism."

You see, if they did, we do not mind hearing you. You have a right to get up and preach communism. I do not apply this to you, now, but I think it is a cowardly thing for a man who claims to be an American to come up before our committee and say, "I am ashamed to tell you whether I am a Communist or not." It is difficult for me to understand. I am not applying that to you. I do not propose to argue with a lady.

Mrs. ROBESON. Well, I think that is very nice of you, Senator McCarthy, but I must say that I am a very, very loyal American, and I really have fought most of my life, since I have been grown up, for the Constitution and Bill of Rights, which I think are marvelous. All I really wanted to have done was to have them interpreted for me and the Negro people, let the communism fall where it may. Because this I have something to do about as an American citizen, this is what I am concerned about.

Senator McCARTHY. Do you feel that the Communist system would do more for the Negro people?

Mrs. ROBESON. I have no idea.

Senator McCARTHY. You have no idea?

Mrs. ROBESON. I have no idea.

Senator McCARTHY. Do you agree with me that the Negro race has made great strides and achieved much since the very short time ago since they were in slavery?

Mrs. ROBESON. I think they have gone backward when you compare with the speed with which other people have gone forward.

Senator McCARTHY. Let me ask you this: Does your husband follow the Communist line and preach communism because he feels that is better for the American people?

Mrs. ROBESON. I think you ought to ask him that.

Senator McCARTHY. You may refuse to answer that. It is a husband-wife relationship. You may refuse. You may step down.

Mrs. ROBESON. Thank you.

Senator McCARTHY. Mr. Harvey O'Connor?

(No response.)

May I ask if Harvey O'Connor was asked to be here today?

Mr. COHN. He was directed to appear, Mr. Chairman. Apparently he has not appeared.

Senator McCARTHY. How was he directed?

Mr. COHN. He was directed by telephone and agreed to come, and he was further directed by a confirmatory telegram sent under the name of the chairman of the committee, which, under the rules of the Senate, is proper.

Senator McCARTHY. May I ask if counsel understands the rules of the Senate to be that as long as a man is notified to be here, that it is not necessary to serve a formal subpoena?

Mr. COHN. That is correct, Mr. Chairman. If the actual notice is received by the witness, he must appear before the committee.

Senator McCARTHY. Then I would suggest if Harvey O'Connor does not have an adequate excuse for not being here, that counsel or the executive director, either of you, take the necessary steps to have this brought to the attention of the committee and have this man cited for contempt for failure to be here.

The committee will now adjourn until 3 o'clock this afternoon, for executive session, after which we will adjourn until Thursday. Dr. Johnson, prior to his resignation, had indicated he would be with us on Thursday. I notice that he resigned because of bad health. If he feels that he cannot testify, we will not require him to testify. He has been very cooperative with the committee and very helpful, and I think doing an excellent job. If, however, his physical condition allows, he will be asked to be here at 10:30 Thursday morning in this room.

(Whereupon, at 11:50 a. m., the committee was recessed, to reconvene at 3 p. m. the same day, in executive session.)

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